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P R O C E E D I N G S

A N D

D E B A T E S

O F T H E

H O U S E o f C O M M O N S,

I n 1620 and 1621.

*Collected by a MEMBER of that HOUSE.*

And now Published from his Original Manuscript, in  
the Library of QUEEN'S COLLEGE, OXFORD.

With an APPENDIX:

In which some Passages are illustrated from other Manuscripts.

I n T W O V O L U M E S.

V O L. I.

---

O X F O R D :

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PROCEEDINGS

AND

DEBATES

OF THE

HOUSE OF COMMONS

IN 1810 AND 1811.

CHAMBERLAIN & CO. PRINTERS, 10, ST. MARTIN'S LANE.

And now published by the General Manager, at the  
the Library of the House of Commons.



Vol. I.

In which are contained the proceedings of the House of Commons, from the 1st of January to the 31st of December, 1810.

THE FOLIO

VOL. I.

OF THE

At the City of London, at the House of Commons, on the 1st of January, 1811.

By J. Chamberlain, General Manager, and J. Rivington, Printers.

London.

# P R E F A C E.

**T**HE Proceedings of the House of Commons make so material a Part of the History of this Country, that, it is presumed, the following Account (much fuller than any hitherto published) of the Transactions of that House, in the Parliament which met on the 16th of January, 162<sup>o</sup>, will not be an unacceptable Present to the Publick.

The original Manuscript of these Collections is in the Library of Queen's College, in three not very thick Volumes, marked A, B, and C. Who the Collector was, does not appear by any Evidence internal or external. It is plain, however, from many Passages, that he was a Member of the House.

The Work is printed as he left it, without any Alteration, except in the Spelling, which was not antique enough to be an object of critical curiosity, nor modern

## P R E F A C E.

*dern enough to be familiar to the Printer, or agreeable to the Reader. It may be thought, perhaps, that some Passages, seemingly immaterial, might have been retrenched; but it was difficult to draw the Line; and upon the whole it was judged best to leave the Reader to make such Retrenchments for himself, by passing over those Parts which do not suit his Taste.*

*A List of the Members of the House is prefixed to the First, and a Summary of its Contents to each Volume.*

QUEEN'S COLLEGE, OXFORD;

February 21, 1766.

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	Thomas Whatman, Esq;
<i>Horsbham.</i>	Thomas Cornwallis, Esq;
	John Middleton, Esq;

*Midhurst.*

# LIST of the

<i>Midhurst.</i>	Richard Lewkner, Esq; John Smithe, Esq;
<i>Lewes.</i>	Sir George Goring. Richard Amhurst, Esq;
<i>Shoreham.</i>	Sir John Morley. Sir John Leedes. After him Inigo Jones, Esq;
<i>Bramber.</i>	Thomas Bowyer, Esq; Robert Morley, Esq;
<i>Steyning.</i>	Sir Thomas Sherley. Sir Edward Francis.
<i>East Grinstead.</i>	Sir Henry Compton. Thomas Pelham, Esq;
<i>Arundel.</i>	Sir Lionel Cranfield. After his being made a Peer, Sir Rich. Weston, Chan. of the Excheq. Sir Henry Spillar.
WESTMORELAND.	
	Henry Lord Clifford. Sir Thomas Wharton.
<i>Appleby.</i>	Sir Arthur Ingram. Thomas Hughes, Esq;
WILTSHIRE.	
	Sir Francis Seymour. Sir Edward Baynton.
<i>New Sarum.</i>	Roger Gauntlet, Ald. ib. Laurence Horne, Ald. ib.
<i>Wilton.</i>	Sir Thomas Tracy. After his Death, Sir Henry Nevill. Thomas Morgan, Esq;
<i>Downton.</i>	Sir Carey Rawley. Sir Thomas Hinton.
<i>Hindon.</i>	Sir Henry Mervin. John Angell, Esq;
<i>Heytesbury.</i>	Sir Thomas Thinne. Sir Henry Ludlow.
<i>Westbury.</i>	Walter Long, Esq; Sir Miles Fleetwood.

*Calne.*

## HOUSE of COMMONS.

*Calne.* John Ducket, Esq;  
John Pymme, Esq;  
*Devizes.* Sir Henry Ley.  
John Kent, Gent.  
*Chippenham.* Edward Hungerforde, Esq;  
John Bayly, Esq;  
*Malmſbury.* Sir Henry Poole.  
Sir Edward Warder.  
*Cricklade.* Sir Thomas Howard.  
Sir Carewe Reynell.

*Great Bedwin.* Sir Francis Popham.  
Thomas Carey, Esq;  
*Ludgershall.* Alexander Chocke, Esq;  
William Satwell, Esq;  
*Old Sarum.* George Minne, Esq;  
Thomas Bret, Esq;

*Wotton Baſſet.* Richard Harrison, Esq;  
John Wrenham, Esq;

*Marlborough.* Sir Walter Devreux.  
Richard Diggs, Esq;

### WORCESTERSHIRE.

Sir Thomas Littleton, Bart.  
Sir Samuel Sandes.  
*Worceſter.* Sir John Cowcher.  
Robert Berkley, Esq;  
*Eveſham.* Sir Thomas Biggs, Bart.  
Anthony Langſton, Gent.  
*Bewdley.* Sir Thomas Edmunds, Treasuſer of  
the Houſhold.

*Droitwich.* Ralph Clare, Esq;  
John Wylde, Esq;

### WARWICKSHIRE.

Sir Francis Leighe.  
Sir Thomas Lucy.  
*Coventry.* Sampſon Hopkins, Ald. ib.  
Henry Seewell, Ald. ib.  
*Warwick.* Sir Greville Verney.  
John Cooke, Esq;

BARONS



# LIST of the

## BARONS of the CINQUE PORTS.

<i>Hastings.</i>	Samuel Moore, Esq; James Lasher, Esq;
<i>Winchelsea.</i>	Sir Thomas Finche, Bart. Edward Nicholas, Esq;
<i>Rye.</i>	Emanuel Gifford, Esq; John Angell, Esq;
<i>Romney.</i>	Sir Peter Manwood. Francis Fetherstonhaugh, Esq;
<i>Hythe.</i>	Sir Peter Heyman. Richard Zouche, LL.D.
<i>Dover.</i>	Sir Henry Maynwaring. Sir Richard Young.
<i>Sandwich.</i>	Sir Edwin Sandys. John Burroughes, Gent.

## PRINCIPALITY of WALES.

### ANGLESEY.

	Richard Williams, Esq;
<i>Beaumaris.</i>	Sampson Evans, Esq;

### BRECON.

	Sir Henry Williams.
<i>Brecknock.</i>	Sir Walter Pye.

### CARDIGAN.

	Sir Richard Pryfe.
<i>Cardigan.</i>	Walter Overbury, Esq;

### CARMARTHEN.

	Sir John Vaughan.
<i>Carmarthen.</i>	Henry Vaughan, Esq;

### CARNARVON.

	John Griffith, jun. Esq;
<i>Carnarvon.</i>	Nicholas Griffith, Gent.

### DENBIGH.

	Sir John Trevor, jun.
<i>Denbigh.</i>	Hugh Middleton, Esq;

FLINT.

## HOUSE of COMMONS.

### FLINT.

Sir Roger Mostyn.

*Flint.*

William Ravenscroft, Esq;

### GLAMORGAN.

William Price, Esq;

*Cardiff.*

William Herbert, Esq;

### MERIONETH.

William Salisbury, Esq;

### PEMBROKE.

James Wogan, Esq;

*Pembroke.*

Lewis Powell, Gent.

*Haverfordwest.* Sir James Parrett.

### MONTGOMERY.

Sir William Herbert.

*Montgomery.*

Edward Herbert, Esq;

### RADNOR.

James Price, Esq;

*Radnor.*

Charles Price, Gent.

House of Commons

FLINT

St Roger, M.D.

William Rastrell, Esq.

CLAMORANT

William Rastrell, Esq.

William Rastrell, Esq.

MERION

William Rastrell, Esq.

FERRO

James Wogan, Esq.

James Wogan, Esq.

MONTGOMERY

James Wogan, Esq.

James Wogan, Esq.

RADNOR

James Wogan, Esq.

Charles Fane, Esq.

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# PROCEEDINGS

A N D

## DEBATES

OF THE

HOUSE OF COMMONS,

in 1620 and 1621.

(1) **B**Y the Writ of Summons (as appears by the Copy of it) the Parliament was first appointed to begin the sixteenth Day of *January* 1620; before which Time above a Fortnight (as by the Proclamation appeareth) it was put off by his Majesty, for certain Causes, until that Day sevensnight, which was the twenty-third of *January* following: yet was there a Meeting in the upper House, by the Lord *Verulam* then Lord Chancellor, and divers other Lords, the sixteenth Day, according to the first Summons; and as many Burgeses of the lower House as were known to be in Town were sent unto to be in the upper House to hear \* the Writ read, for the proroguing of the same until the said twenty-third Day, when the Lord Chancellor declared there the Reasons that moved his Majesty to prorogue the Parliament until the twenty-third Day; and then also gave Notice, that by Reason of his Majesty's Sicknes and ill Disposition of Body, it was his royal Pleasure it should be further prorogued until the thirtieth Day of the same

\* Those of the lower House stood without the Bar to hear only.

A

Month:



Month: yet the Lord Chancellor then also said, there should be again there the like Meeting on the said twenty-third Day, both of the Lords and Burgeses, to hear his Majesty's Writ read for the said proroguing of the Parliament until the said thirtieth Day; which was accordingly, and the Lord Chancellor then likewise made another short Speech, shewing, that the Want of his Majesty's Health (which above all was to be respected) was then likewise the Cause of that proroguing of the Parliament until the said thirtieth Day; but for this proroguing there was no Proclamation published, because the Time was so near at hand.

On the said thirtieth Day of *January* the King, accompanied with all the Lords both spiritual and temporal, and all the Judges of the Realm, (all the Courts of Pleas in *Westminster* being for that Day adjourned until the next) came about eleven of the Clock from *Whitehall* in their Robes on Horseback in great State unto the Abby Church in *Westminster*, when the \* Bishop of *Winchester* (by Command, not by his Place) preached; and, after the Sermon, his Majesty and all the aforesaid Lords came on Foot from the Church through the *old Palace Yard* into the Parliament House, the Gentlemen of the Privy Chamber (as their Place required) bearing the Canopy of State over the King; who, being seen, was likewise by others of the Privy Chamber carried in a kind of Chair of State, the Lords all going before according to their several Places and Dignities, the best last and nearest the King. That Day by the Appointment of the Lord Chamberlain of his Majesty's Household (who commonly at such Solemnities first knows the King's Pleasure in such Matters of Place) the Earl of *Rutland* did bear before the King the Cap of Maintenance, the Earl of *Cumberland* bare the Sword (as being one of the antientest Earls there present) the Earl of *Arundel* and *Surry*

\* Dr. *Andrews*.

was then also appointed by his Majesty to supply the Place (during all the Parliament) of Earl Marshal, the Earl of *Oxford*, as his Place is, (being Lord High Chamberlain of *England*; which Place he holdeth by Inheritance) going on the Right Hand of the Earl Marshal next before the King: the Lord *Digby*, being Vice-Chamberlain, bare up his Majesty's Train. The Prince went immediately before the Earl of *Rutland*, who went foremost of the said Earls Officers, and with the Prince went the Lord Marquis of *Buckingham*. The Prince had on his Head a Coronet, and the King his Crown Imperial; which, when the King came into the Parliament House, the Prince did carry before his Majesty. And thus the King being come into the higher House of Parliament, he made a Speech as well to the Burgeses of the lower House, who were purposely appointed to be there present to hear it, as also to the Lords: which Speech of his Majesty was to this Effect; but it is not in Print, as usually, and most of his Majesty's Speeches have been.

*The King's Speech in the High Court of Parliament, on Tuesday the thirtieth of January 1620.*

*"In multiloquio non deest peccatum, saith the wisest* *The King's*

*"Man that ever was, and the Experience thereof* *Speech.*

*"I have found in mine own Person: for it is true,*

*"there have been many Sessions of Parliament be-*

*"fore this, wherein I have made many Discourses to*

*"the Gentlemen of the lower House, and in them*

*"delivered a true Mirror of my Heart: But, as no*

*"Man's Actions, be they never so good, can be free*

(2) *"from Censure in regard of Perfection; so it may*

*"be, it pleased God, seeing some Vanity in me, to*

*"send my Words as Spittle in my own Face; so*

*"that I may truly say, I have often piped unto*

*"you, but you would not dance, I have often*

*"mourned, but you have not lamented. But now*

A' 2

"I put

*Proceedings and Debates of the*

“ I put on this Resolution for the few Days that are  
 “ left unto me in this World ; wherein I have I know  
 “ not how far offended God : And, if it please you,  
 “ especially of the lower House, to apply this Rule  
 “ unto yourselves, you may find the more Fruit.

“ Now to the Errand whereunto you are called  
 “ hither. For the Entrance thereunto the more ea-  
 “ sily, I will begin with the general Condition of a  
 “ Parliament, and not to instruct you (when I sup-  
 “ pose I speak not to Ignorants) but to refresh your  
 “ Memories. And first, what a Parliament is. It  
 “ is an Assembly composed of a Head and Body,  
 “ which are called in all Monarchies a Parliament;  
 “ which was used and created first by Monarchs, for  
 “ Kings were before Parliaments; who, so soon as  
 “ they had settled a Form of Government, and were  
 “ willing that they should be governed by Laws,  
 “ called to their Parliaments some more, some less  
 “ in Number. But I leave them: This I only  
 “ would have you observe, that it is a vain Thing  
 “ for a Parliament Man to press to be popular.  
 “ There is in no Estate a Parliament without a Mo-  
 “ narchy: The *Grizons*, *Switzers*, and Low Coun-  
 “ tries, who are governed without a King, have no  
 “ Parliaments, but Councils. This I put you in  
 “ mind of, that you serve under a Monarch; and  
 “ that we must stand or fall with it.

“ Now consider first, who calls you? your King.  
 “ Secondly, whom he calls? the Peers; who, in Re-  
 “ spect of the Eminency of their Places and High-  
 “ ness, have an Interest therein by Birth and Inhe-  
 “ rittance, because they are to assist the King in great-  
 “ est Affairs: Next the Church; the Clergy, not all,  
 “ but the principal Heads thereof, the Bishops;  
 “ whose Holiness of Life doth claim a Privilege of  
 “ Advice, and some of them in Respect of their  
 “ Baronies: Also the Knights stand for their Shires,  
 “ and the other Gentlemen of the Boroughs. Of  
 “ these is the whole Body complete. Thirdly, why  
 “ you

“ you are called? To the End to advise in Errands  
 “ as he shall ask of you, or you shall think fit to ask  
 “ his Advice in. The King makes Laws; and ye  
 “ are to advise him to make such as may be best for  
 “ the good of the Commonwealth. There is ano-  
 “ ther Cause, why the House of Commons is called:  
 “ for that they best know the particular Estate of  
 “ their Country; and, if the King should ask their  
 “ Advice, they best can tell what is most amiss, as  
 “ being sensible thereof, and know best how to pe-  
 “ tition him to redress and amend the same. They  
 “ are the Authors of Sustenance also to him to sup-  
 “ ply his Necessities, and that is the proper Use of  
 “ a Parliament: here they are to offer what they  
 “ think fit to supply his Wants; and he, in Lieu  
 “ thereof, to afford them Mercy and Justice. And  
 “ this I am bold to say, and am not ashamed to speak  
 “ it, that all People owe a Kind of Tribute to their  
 “ Kings, by Way of Thankfulness to him for his  
 “ Love to them: And, where this Sympathy is  
 “ between the King and the People, it breeds a  
 “ happy Parliament. And thus much for the gene-  
 “ ral Condition and special Use of Parliaments in this  
 “ Kingdom.

“ Now I come to the particular Causes, which  
 “ moved me to call this Parliament. First, in all  
 “ Parliaments, the King must have a special Care to  
 “ make good Laws; for it is true, *Ex malis mori-*  
 “ *bus bonæ leges oriuntur*: for, the elder the World  
 “ grows, Men become more crafty and sinful, and  
 “ some the more wise; and for new Crimes we must  
 “ needs have new Laws. Here I am on a large Sub-  
 “ ject; yet, because of my intended Brevity, I will  
 “ speak of no Particulars, but hold it best to leave  
 “ them to the Time wherein you shall both see and  
 “ read them. As for Religion, there are Laws e-  
 “ nough, if the true Intent and Execution did but  
 “ follow them. The Maintenance of Religion stands  
 “ in two Points: first, Persuasion, which must pre-



“cede; secondly, Compulsion, which must follow:  
 “for, as the World cannot create a new Creature;  
 “be it never so little, so no Law of Man can make  
 “a good Christian in Heart, without inward Grace.  
 “The Minister by his Doctrine and good Example  
 “of Life must persuade: If this prevail not, the  
 “Magistrate must compel; and both leave the Suc-  
 “cess to God, for it is not good to trust to a good  
 “Cause, and let it go alone. If there were not so  
 “many Priests and Jesuits, there would not be so<sup>(3)</sup>  
 “many perverted to ill; and, in like Manner, the  
 “busy Puritans, how busy they are to persuade the  
 “People! but God forbid, that I should compel  
 “Men’s Consciences, but leave them to the Laws of  
 “the Kingdom. — As touching the Rumour which  
 “is spread abroad, that I should tolerate Religion in  
 “Respect of the Match which hath been long in  
 “Treaty with *Spain* for my Son; I profess, I will do  
 “nothing therein, that shall not be honourable and  
 “for the good of Religion. The Trial which you  
 “have had of my Works and Writings (wherein I  
 “have been a Martyr, tortured in the Mouths of  
 “many idle Fellows) may give you ample Testi-  
 “mony of my Integrity; in such Sort that I hope  
 “you will trust the Wisdom of your King so far,  
 “that I will never do one Thing in private, and say  
 “another Thing in public. But, if after this my  
 “Declaration any shall transgress, blame me not, if  
 “I see them severely punished.

“Now the main Errand (to speak truly) why I  
 “call you, is for a Supply of my urgent Necessities  
 “in urgent Causes. You can all bear me Witness,  
 “that I have reigned eighteen Years amongst you.  
 “If it be a Fault in me, that you have been at  
 “Peace all this while, I pray you, pardon it; for I  
 “took it for an Honour unto me, that ye should  
 “live quietly under your Vines and Fig-Trees,  
 “reaping the Fruits of your own Labours, and my-  
 “self to be a just and merciful King amongst you:  
 “You

" You have not been troubled with the pressing of  
" Men, nor with a thousand Inconveniences which  
" the Disasters of Wars produce ; yet in these eigh-  
" teen Years have I had less Supplies than any King  
" before me.

" THE late Queen of famous Memory was so far  
" supplied in her Time, as it grew to an annual  
" Contribution, which by Computation came to  
" 135000 Pounds a Year at least : I never had above  
" four Subsidies and six Fifteenths. I challenge  
" no more of Desert than she ; but sure I am, I  
" have governed you as peaceably the Time since  
" any Supply hath been, as Women with Child,  
" *quæ decem tulerint fastidia Menses*, who after ten  
" Months longing are delivered of their Burden :  
" But I have travailed ten Years, and therefore now  
" full Time to come to be delivered of my Wants,  
" I have been ever willing to spare till now. It is  
" very true, that two Arguments were used in other  
" Parliaments against my Supplies : First, that many  
" Subsidies had been given formerly by them, and  
" therefore they desired a Time of Respiration ; but  
" this Objection is now taken away : The other was,  
" that my Treasure was confusedly governed by me,  
" so as some did not stick to say, they would give  
" me all they had, were they assured that it might  
" come to my Purse. Now you have seen Trial of  
" my late Care in two Years last past in looking into  
" the Particulars of my Estate ; wherein, I must  
" confess, I have my Revenues forsaking me, as  
" *Job's* Friends. In my Household Expense I have  
" abated One Hundred Thousand Pounds *per Annum*.  
" In my Navy Expenses I have abated Twenty-  
" five Thousand Pounds *per Annum* ; and shortly I  
" hope to abate Ten Thousand Pounds more. In my  
" Ordinary I have brought my Expenses from Thirty-  
" four Thousand Pounds to Fourteen Thousand  
" Pounds ; and yet I was loth to believe, at first,  
" that these were so much out of Order : But at  
" the

“ the last, by Means of the Information of some  
 “ private honest Gentlemen, I was induced to re-  
 “ enter into a particular Survey. And herein such  
 “ was the Love of my young Admiral to me, that  
 “ he took the Envy of all upon himself for my Sake ;  
 “ and, though he be but young, yet I find him  
 “ true in Faith and an honest Man, and have had  
 “ the better Success in all he hath taken in hand.  
 “ He took under himself divers Commissioners, as  
 “ a young Commander should do, the better to pre-<sup>(4)</sup>  
 “ serve himself from Error ; and yet sought no Re-  
 “ ward, but my Good and Service : yet neverthe-  
 “ less went through with it with great Diligence  
 “ and good Success. And therefore I hope, the  
 “ Kingdom shall say, I have now a true Care of my  
 “ Estate ; not taking from others by Violence either  
 “ House or Lands, but governing mine own with  
 “ good Husbandry. And now I seek your Supply,  
 “ not that it should fall into a bottomless Purse, but  
 “ to use the same as the Necessity of my Affairs  
 “ shall require.

“ THE next Cause of your calling hither, is for  
 “ an urgent Necessity, the miserable and torne State  
 “ of Christendom ; which none, that hath an honest  
 “ Heart, can look on without a weeping Eye. I was  
 “ not the Cause of the beginning thereof, God he  
 “ knoweth ; but I pray God, I may be the instru-  
 “ ment of a happy ending. I mean the Wars in  
 “ *Bohemia*, wherein the States expelled their Em-  
 “ peror, and chose my Son-in-law for their King.  
 “ I was requested at the first on both Sides to make  
 “ an Agreement between them ; which cost me  
 “ Thirty Thousand Pounds in sending *Doncaster* in  
 “ Ambassage for that Purpose. In the mean Time  
 “ they cast off all Allegiance and chose my Son ;  
 “ who sent unto me to know, whether he should  
 “ take upon him the Crown or not : and yet within  
 “ three Days after, before I could return my An-  
 “ swer, he took the Crown upon his Head : and then I

“ was

“ was loth to meddle with it at all for three Reasons.  
“ First, for that I would not make Religion the Cause  
“ of deposing Kings: I leave that to the Jesuits, who  
“ maintain the same. Next I was no fit Judge be-  
“ tween them; for they might afterwards say to me,  
“ as the *Jews* said to *Moses*, who hath made thee a  
“ Judge? And I myself would not be content they  
“ should judge, whether I were a King or not,  
“ Lastly, because I had been a Medler between  
“ them; and then to determine, my Son should take  
“ the Crown on him, had been improper: And yet I  
“ left not off so; for Nature compelled me to admit  
“ his good, and therefore I permitted a voluntary  
“ Contribution to preserve the *Palatinate*, which  
“ came unto a great Sum. For that Purpose I bor-  
“ rowed also of my Brother of *Denmark* Seventy-  
“ five Thousand Pounds; and now I have sent unto  
“ him to make it up One Hundred Thousand Pounds.  
“ And all this I have done with the Charges of Am-  
“ bassadors and other Ways; which hath risen to an  
“ infinite Sum, which I have been myself at; and  
“ it hath cost Two Hundred Thousand Pounds in  
“ preserving the *Palatinate* from being invaded,  
“ finding no Hope of the rest, besides Three Hun-  
“ dred Thousand Pounds, and besides the voluntary  
“ Contributions. And I am now to take care of a  
“ worse Danger against the next Summer: Albeit, I  
“ will leave no Travel untried to obtain a happy  
“ Peace; but I have thought good to be armed a-  
“ gainst a worse Time, it being best to treat of  
“ Peace with a Sword in my Hand. Now I shall la-  
“ bour to preserve the rest: wherein I declare, that,  
“ if by fair Means I cannot get it, my Crown, my  
“ Blood and all shall be spent, with my Son's Blood  
“ also, but I will get it for him. And this is the  
“ Cause of all, that the Cause of Religion is involved  
“ in it; for they will alter Religion where they con-  
“ quer; and so perhaps my Grandchild also may suf-  
“ fer, who hath committed no Fault at all. This is  
“ nothing



“ nothing without a speedy Supply ; and *bis dat qui*  
 “ *cito dat* : Wherefore I trust, you will not fail me  
 “ now, no more than you have done my Predecessors. In this I must trust to your Care ; and, I  
 “ think, if a Man could see all your Hearts in one  
 “ Face, it would testify a general Acclamation of this  
 “ my Motion. Consider who it is that moved you,  
 “ your King, and his Care of Reformation, and the  
 “ Charge that he hath disbursed, besides Forty  
 “ Thousand Pounds of late on the piratical Wars ;  
 “ and consider, if I deserve not your Respects. For  
 “ your Parts, you may be informed of something  
 “ fit to be inquired of by, me for Matter of Justice,  
 “ I never, directly nor otherwise, desired the con-<sup>(s)</sup>  
 “ trary ; for which Purpose I have chosen Judges  
 “ of Learning and Integrity, the best that I could  
 “ find : and if they prove unjust, I will not spare  
 “ them.

“ It is strange, that my Mint hath not gone these  
 “ eight or nine Years ; but I think, that the Fault  
 “ of Want of Money is the uneven balancing of  
 “ Trade. For other Things, I confess I have been  
 “ liberal ; but the many Causes of my Wants hath  
 “ been the ill Government of those whom I have  
 “ trusted under me. For Bounty, I will not make  
 “ every Day a *Christmas* : And yet, it may be, I  
 “ have in some Grants hurt myself, and in others  
 “ my Subjects. But, if I be truly informed, I will  
 “ rightly reform them : But for you to hunt after  
 “ Grievances, to the Prejudice of your King and  
 “ yourselves, is not the Errand. Deal with me, as I  
 “ shall deserve at your Hands. I will leave nothing  
 “ undone that becomes a just King, if you deal with  
 “ me accordingly. I know that this Parliament hath  
 “ been of great Expectation, and so was that at my  
 “ first coming. Then I knew not the Laws and  
 “ Customs of this Land. I was led by the old  
 “ Counsellors that I found, which the old Queen  
 “ had left ; and, it may be, there was a misleading  
 and

“and Misunderstanding between us, which bred an  
 “Abruption. And at the last Parliament there  
 “came up a strange kind of Beast called Under-  
 “takers, (a Name which in Nature I abhor) which  
 “caused a Dissolution. Now you have that Advan-  
 “tage, that I call you out of my free Motion; and  
 “my Trust is in your good Offices, for the good of  
 “my Estate, even all and every one of you.

“I HOPE, I want not good Subjects; and I assure  
 “you, you shall find an honest King of me. How  
 “happy a Fame will it be, that I am revered and  
 “loved by this People, and that your King recipro-  
 “cally loves them? Then shall I be even honoured  
 “of my Neighbour Princes; and peradventure my  
 “Government made an Example for Posterity to  
 “follow. So I leave you.”

THE King's Speech being ended, Viscount *Saint Alban*, then Lord Chancellor of *England*, made an Acclamation of the King, and a brief Exhortation to the House, to this Effect following.

“May it please your Majesty, I am struck with The Lord Chancellor's Speech.  
 “Admiration in Respect of your profound Discourses,  
 “with Reverence to your royal Precepts, and Con-  
 “tentment in a Number of gracious Passages, which  
 “have fallen from your Majesty in your Speech. It  
 “is a Saying of *Solomon* somewhat dark, but apt,  
 “*That the Words of the wise are like Nails and Pins*  
 “*fastened by the Master of the Building in the midst of*  
 “*Assemblies*: So, in Regard of the Reverence of  
 “your Majesty's Words, they are like Nails that  
 “strike through and through; first into the Me-  
 “mory, then into the Hearts of the Hearers, which  
 “is the best Way to imprint them into their Minds.  
 “For myself, I hold it as great Commendations in  
 “a Chancellor to be silent, when such a King is  
 “by, who can so well deliver the Oracles of his  
 “Mind, as for me to speak. Only, Sir, give me  
 “Leave to give my Advice to the upper and lower  
 “House briefly in two Words — *Noſce teipſum*. I  
 “would

“ would have the Parliament know itself; first, in  
 “ a modest Carriage to so gracious a Sovereign;  
 “ secondly, in valuing themselves thus far, as to  
 “ know, now it is in them by their careful Dealing  
 “ to procure an infinite Good to themselves in Sub-  
 “ stance, and Reputation at Home and abroad.  
 “ As there is great Expectation in the Beginning  
 “ of this Parliament, so I pray God, it may be as  
 “ good in the Conclusion; that it may be genera-  
 “ tive, begetting others hereafter. Now I am to  
 “ put you in mind of your laudable Custom, to elect  
 “ one to be your common Mouth or Speaker: for  
 “ which Purpose you are presently to assemble your-  
 “ selves in the House of Commons; but the King  
 “ for the presenting, of such to his Majesty, giveth  
 “ you till *Saturday* next the third of *February*.

*Saturday, February 3.*

THE House of Commons being met together in the lower House, they went all, together with their Speaker, into the upper House to present their Speaker to his Majesty.

WHEN the Speaker came into the upper House, he there made first a short Speech to the King, desiring his Majesty to be pleased to send the lower House to make choice of another, by Reason of his Inabilities to perform that Place; which is always the Manner and Substance of the Speaker's Speech to the King. <sup>(6)</sup>

THE Speaker's Speech being ended, the Lord Chancellor went to the King to know his Pleasure; and then answered the Speaker, that the King approved well of the Choice made by the lower House.

THEN the Speaker replied again, that he was much bound to his Majesty and the House, but he should have taken it as a great Favour to have been spared; and fell into a large Speech, shewing how much

much *England* is blest by God for sending so worthy and religious a King to rule over us.

To which the Lord Chancellor again replied by a brief Repetition of the Speaker's Speech, and gave a short Addition to it; and then advised the lower House, how and in what Businessses to go on, and to follow the Counsel of his Majesty.

AND, lastly, the King made a brief Repetition of some Things he spoke the first Day of the Parliament, declaring the Reasons that he called it, and whereof he would have it chiefly to consider.

THIS done, the lower House returned to their House: where there was read that Day

"AN ACT for Limitation of Actions and avoiding Suits in Law."

It is ordered by Question, that all Returns that were not made lawfully, or wherein there had been Fault in Election, shall be heard by a Committee, appointed for that Purpose to sit every *Tuesday* in the Afternoon. And so the House rose for this Time.

*Monday, February 5.*

It is ordered by Question, that all this House shall receive the Communion on *Sunday* next at the Parish Church at *Westminster*, and that Dr. *Ussher* shall be then entreated to preach there, and that every Member of the House shall give his Name in Writing, and the Place for which he serveth, to certain Gentlemen of the House appointed to receive them, viz. Sir *Francis Barrington*, Sir *Jeremy Horsey*, Sir *Edward Giles*, Sir *James Parrett*, and they to deliver the same to the House, that thereby it may be on Examination seen, whether all have received the Communion or not; and, those that receive not the Communion at the said Time prefixed are not to sit in the House until they have received it.

*Tuesday*



Tuesday, February 6.

THE Speaker acquainted the House, that he had received a Paper of Dr. *Graunt* and two other of the Prebends; whereby the \*Dean and the rest of the Canons of *Westminster* deny Leave to the House to receive the Communion in their Parish Church (which is their proper Land) and that for two Reasons: First, for that the House did not first ask Leave of them: Secondly, because they had made choice of a Preacher which was none of their Church. But they offered, that, if the House would name one of their Canons to preach, they should be permitted to receive at their Church with ordinary Bread; which was denied the House the last Convention of Parliament.

WHICH Offer of the Canons of *Westminster* the House utterly rejected, and chose the *Temple* Church, for the receiving of the Communion and hearing the Sermon.

THIS Business being thus ordered, there were four Things here debated in Parliament.

1. CONCERNING Liberty of Speech.
2. TOUCHING the Papists, who swarm and are grown insolent in this Town.
3. CONCERNING a Supply for the King's Wants, and the bleeding Business of the *Palatinate*.
4. TOUCHING the Grievances of the Subjects and Commonwealth.

ALL which were by the House referred to a Committee of the whole House.

AT a Committee of the whole House.

1. CONCERNING Liberty of Speech (being the first Business) the Committee hath agreed and thought fit, that a Petition *de Jure* should be made to the King, declaring, that the Privilege of the House hath ever been to have a Freedom of Speech, and that it being

Liberty of  
Speech.

\* Dr. *Williams*, after made Lord Keeper and Bishop of *Lincoln*.

broken

broken the last Meeting or Convention of Parliament (which was no Parliament, for that divers Members of that House, after the said Convention, were punished and sent to the Tower for speaking freely their Consciences there; and that even such as, being before questioned, were cleared by the House, that they had spoken nothing but what was lawful and fitting, and for which they gave good Reason and Satisfaction to the House): Therefore the House agreed to have a Petition *de Jure* drawn to his Majesty; for which Business there was a Sub-Committee appointed to draw the Petition, and then to report it to the Grand Committee, and the grand Committee was to report it afterwards to the House.

2. TOUCHING the second Business, which was the Papiſts ſwarming and Insolency in this Town, it was thought fit, by Reason of the great Number of Papiſts that at this Time exceed in this Town, and bear a nimble Ear after what is done in Parliament; and, by Reason of their great Insolency and Boldness at this Time, which is grown amongst them because they have more Countenance than they were wont to have, that a Petition following the Precedent of former Times, should be drawn to his Majesty, humbly desiring, that he will be pleased that the Laws made against the Recusants may be inflicted upon them, and that they may be confined not to come within ten Miles of the Court, as is expressed in those Statutes; and to this End a Proclamation may be to such Effect published: The drawing and considering of which Petition is likewise referred to certain select Sub-Committees; and they are to report it to this Committee, and this Committee to the House.

It is ordered, that the other two Businesses, concerning a Supply, and the Grievances, shall be consulted of by this Committee on *Friday* next in the Afternoon.

SIR *William Cope* moveth, that the House will be pleased to order, that those grave and antient Members

Members of this House, who are in Town and not yet come into the House, may not be absent; and namely, that all the Lawyers, Sir *Edwin Sandys* and such others as are absent, may have their Names returned and be sent for by the Serjeant of the House.

WHICH Motion, being seconded by Sir *George Moore*, was agreed on by the whole House; and accordingly Order was given to the Serjeant.

*Want of  
Money.*

MR. GLANVILLE saith, that there is a general Complaint throughout the Kingdom of the great Scarcity of Money; which is a Business worthy the Consideration of this House; and thinketh it best to consider, 1. Whether there be such Want of Money or not? 2. What are the Causes of it.

FOR the first he saith, he believeth that there is a Want and Scarcity of Coin, because of the general Complaint of all Men; for that Landlords can get no Rent of their Farmers;—for that the Price of Land is fallen from twenty Years Purchase to eighteen, sixteen, fourteen; and, in some Places, to thirteen and twelve Years Purchase;—and for that the Mint for Coinage hath not gone these ten or twelve Years. 2. That the Reasons and Causes of the Want of Money are divers; more than, he doubteth, can be found out, or will be revealed. Some say, there is too much Coin carried Northward; that our Expenses and Cost on foreign Commodities and Merchandise is another Cause; and the Excess of Plate, in so much that Gentlemen of ordinary Fashion will be served in Plate: and, although this may be thought a Means to treasure up Silver and Gold against a Time of Scarcity and Need, yet is there great Want of it by using it. The Patent of the *East India* Company is another Cause of the Want of Money; for though they affirm they carry away no Plate or Coin out of this Kingdom, but that they have it elsewhere, yet they sell our Commodities beyond Sea, and from thence carry the

the Money they receive from it into the *East Indies*; and so they forestall the coming of Money hither.

SIR *William Spencer*, Son and Heir of the Lord *Spencer*, saith, that there is also a Patent prohibiting any Gold or Silver Lace or Thread to be brought from beyond Sea hither; a third Part whereof (as those that are skilful in those Trades say) would make good Bullion: so as, there being (as the Patentees themselves cannot deny) made and used of Gold and Silver Thread and Lace in a Year to the Value of Sixty Thousand Pounds, this Patent by this Means hindereth the Importation of so much as would amount unto Twenty Thousand Pounds *per Annum*; and then there is employed to make this Sixty Thousand Pounds Worth of Gold and Silver Thread and Lace Twenty Thousand Pounds more *per Annum*: so as in all this Patent is Forty Thousand Pounds *per Annum* Lost to the Kingdom.

SIR *Edward Sackville* saith, that, in all Busineses of this Nature and Weight, there is commonly a Petition, and other Notes and Collections delivered to his Majesty; pretending a Good and Benefit, that by this Suit will accrue both to his Majesty and to the Commonwealth: the Consideration of which Petitions, and other Collections concerning such Busineses, his Majesty ever referreth to some certain Referrees; who examine it, and certify his Majesty the Validity of it. He therefore desireth, that those, who were Referrees in this Business and have certified his Majesty of the Conveniency of it, and have thereby so much abused both his Majesty and the Commonwealth, may be known, and that their Reasons may be examined, to the End that they may receive the Blame and Shame of it.

SIR *Giles Mompesson* desireth, that the Refiners may be called before the Committee to declare, what they think to be the Cause of the Scarcity of Coin: and that the Merchants Adventurers, and

B

others



others who traffic in those Parts, whence we have used to receive Coin, may also be examined, what is the Reason of such Want of Coin.

SIR *William Stroude* moveth, that none of those that are interested in the Patents aforementioned, may be of the Committee appointed for considering of this Business.

L. 1. "An Act against Relaters, Informers, and Promoters."

By this it is to be enacted, that none shall be called to *Westminster* for Offences done against any penal Statutes; but such Offences shall be determined in the County where the Offence was committed, either by the Justices of Assize, or Justices of the Peace there.

L. 1. "An Act concerning Sea-Marks and Mariners;" or, "An Act for the explaining and enlarging an Act made 8<sup>th</sup>. *Elizabeth*, That none shall make or maintain any Sea-Mark or Light-Houses; but those of the *Trinity-House* of *Deptford*."

L. 2. "An Act for Limitations of Actions and avoiding Suits in Law."

By this all Writs of Formedon (which, Sir *Edward Cooke* saith, is *forma donationis*) upon any Gift of Entail, they in the Descender, Remainder, or Reverter, shall bring it within Twenty Years, with Proviso, unless they who are in Descent, Remainder, or Reverter be under Age, in Prison, *non compos Mentis*, femme coverte, be in a foreign Country, &c. Such Persons shall have five Years more after their being of full Age, enlarged and at Liberty, restored to their Mind, decouverte, &c. It is also limited by this Act, that all Actions of the Case, Actions of Trespass, *Quare clausum fregit*, Actions of Detinue, Actions of Account, Actions of Slander, &c. shall be brought within one Year after.

*Proviso*

*Proviso* also for Actions of Account, that an Infant  
(9) may bring his Action at any Time within [ . . . ]  
Years. [See more of this Act in Fol. 190.]

“AN Act against such as shall levy any Fine, L. 1.  
“acknowledge a Recognizance, Statute, or Judg-  
“ment, or suffer a Recovery, [ . . . . . ] in  
“the Name of any other Person, that is not privy  
“or acquainted therewith.”

By this such as offend against this Statute shall  
suffer Death, and forfeit their Lands and Goods as  
Felons. [See more in Fol. 146 and 191.]

Wednesday, February 7.

“AN Act for Confirmation of a Decree made in L. 1.  
“the Chancery by the Consent of the Lord and  
“Customary Tenants of *Pankeridge* in the County  
“of *Gloucester*, whereof *Mr. Jerningham* is Lord.”

THIS Bill is affirmed to have passed the last Con-  
vention of Parliament.

“AN Act for Restraint of Common Brewers, L. 1.  
“Alehouses, and Tipling Houses, by the Justices  
“of Peace in the County; and that none shall be  
“a Justice of Peace of any Corporation, who,  
“being a Brewer, keepeth also an Alehouse or  
“Tipling House, or receiveth any Rent for selling  
“of Ale or Beer, other than what Rent is specified  
“in the Grant whereby he letteth his House.”

“AN Act for the enabling of *Thomas Redforne* L. 1.  
“of [ . . . . . ] in the County of *Wilts* to sell  
“Lands for the Payment of his Debts, and for the  
“making of a Jointure for his Wife.”

SIR *George Moore* maketh a Report of the Busi-  
nesses heard by the Committee for Returns and Pri-  
vileges.

Return for  
Gatton.

CONCERNING a Return made for the Borough of *Gatton* in the County of *Surry* saith, that, there being in *Gatton* no Mayor nor Bailiff, the Sheriff directed his Warrant to the High Constable of that Hundred to summon all the Freeholders of *Gatton* to make Election of Burgesses for the Parliament at a certain Day; which Warrant and the Day was published by the Minister of *Gatton* (it being but a little Borough) in the Church. But one Mr. *Coppy* (a convicted Papist) Lord of the whole Town, having only one Freehold, procured, by a private Election the Day before the Time prefixed, Mr. *John Hollis*, Son to the Lord *Haughton* (a Papist) and Sir *Henry Brittan* (one also suspected for his Religion) to be nominated and returned Burgesses for that Town. The Day after, according to the Warrant, the Freeholders chose Sir *Thomas Gresham* and Sir *Thomas Bludder*, Knights, and sent the Sheriff an Indenture of these, as the former had done of the other; but the Sheriff, receiving first the former, returned them.

It was hereupon this Day ordered by the House, that the former Election was made by Constraint; that it was not free, nor according to the Law, being made before the Time prefixed, and so void: and therefore Mr. *John Hollis* and Sir *Henry Brittan* were both put out of the House; and Order was given to the Sheriff to return the other two, according to the Indenture given him by the Freeholders. Which the Sheriff performed accordingly; and shortly after Sir *Thomas Gresham* and Sir *Thomas Bludder* came and served in the House.

Lord Faulk-  
land's Elec-  
tion ques-  
tioned.

Sir *Henry Carey* Knight, being chosen one of the Knights for *Hertfordshire*, was afterward created Viscount *Faulkland* of *Scotland*. The Question grew, whether, being a Nobleman of another Kingdom, he could sit here in the lower House of Parliament or no; for in the upper House he cannot, being

being no Baron of this Kingdom. This was referred to a Committee; because, if he might serve here, this House might hereafter be filled altogether, or for the most Part, with the Nobility of *Scotland* and *Ireland*. — But herein was no further Order made at all.

THERE was chosen and returned one [ . . . . . ] a Minister to serve for [ . . . . . ] in the County of *Cumberland*. — But he was discharged by the Order of the House, and a new Writ sent to proceed to a new Election. A Minister elected is rejected.

THERE was an Order made the last Parliament before this, that the King's Attorney should never serve in the lower House; and therefore Sir *Thomas Coventry*, being elected a Burgess, and after that made from Solicitor Attorney General, was here discharged, and a Writ ordered to be sent down for a new Election. The Attorney General rejected.

THE Lord *Beauchamp*, being chosen for *Marlborough*, was afterwards removed by a Writ into the upper House, before the Sessions of Parliament: and thereupon it was here ordered by the House, that a Writ should presently go forth to make a new Election.

MR. PELHAM being elected a Burgess, he being beyond the Seas not on any Employment for the State, it was by the House ordered, that a new Writ should go forth to choose another Burgess in Mr. *Pelham's* Place.

- (10) COMPLAINT was made to the House by the Freeholders of the County of *Leicester*, that whereas Choice was made by the Freeholders of that County at the Time and Place appointed, by the Voices of One Thousand Two Hundred Freeholders for Sir *George Hastings* for the first Place, and for the second Place the same One Thousand Two Hundred chose likewise Sir *Henry Hastings*, whereof an Indenture was accordingly given to the Sheriff called Sir Election of Knights for Leicester-shire.



*Alexander Cave*: yet that, in the Afternoon of that Day, there was another Choice made of Sir *Henry Hastings* and Sir *Thomas Beaumont*; the latter not being named by above One Hundred Voices: and of this likewise an Indenture was given to the Sheriff subscribed by certain of the Freeholders and Gentlemen of that County; which said latter Indenture was returned by the Sheriff, notwithstanding Sir *George Hastings* had the more Voices.

THE High Sheriff and his Under-Sheriff were both called to answer on their Knees at the Bar this Fact. Their Exceptions to the Choice for Sir *George Hastings* were, that most of those that gave their Voices were not Freeholders, which on Proof was found otherwise: then, that Sir *George Hastings* had no Land in the County according to the Statute; but it was proved he was a Freeholder there, having for his Life a Rent Charge of Two Hundred Pounds or Three Hundred Pounds *per Annum*. Lastly, that he was no Householder, nor resident there at the Time of the coming of the Writ to the Sheriff's Hands according to the Statute.

THE Matter of Fact appearing plainly against Sir *Alexander Cave*, the High Sheriff, at his and Sir *Thomas Beaumont's* Suit there was appointed the next Day for to hear the Council of each Side for the Matter of Law; when there were at the Bar pleading for Sir *Thomas Beaumont* Sir *Lawrence Hide* and Mr. *Erle*; for the Petitioners Sir *Thomas Ireland* and Mr. *Holt*. When Sir *Lawrence Hide* urged, that Sir *George Hastings* was a Man incapable of being Knight of the Shire, for 1<sup>o</sup>. H. 5. the Statute forbiddeth to elect Knights of the Shire other than such as are resident in the County at the Time of the coming of the Writ unto the Sheriff; and the same is in 8<sup>o</sup>. H. 6. and 23<sup>o</sup> H. 6. it is so expressed with a Penalty if they chose him; and to choose one incapable of the Place were as good as if they had chosen a dead Man.

SIR *Thomas Ireland*. That, though the Statutes before rehearsed do direct the Sheriff, that such one be chosen as is resident, yet do they not make void the Election made duly otherwise.

THAT the Intent and Meaning of the Law concerning Residency is, that the Party elected should have Freehold within the County; which Sir *George Hastings* hath, as before.

THERE is no Negative Word in the Statute to make void an Election of one that is not resident.

AND Sir *Laurence Hyde*, being demanded by Mr. Speaker, confessed, he never knew any put out of this House for Non-Residency; for so the better Part of the House should be put out.

SIR *Edw. Cooke*. There are Matters of } Direction  
in these Statutes. } Conclusion

NON-RESIDENCY is but Matter of Direction, as are the putting of every Man's Hand that gave his Voice to the Indenture; which was never done, and yet the Election never therefore thought void: and likewise the Statute directeth the Election shall be free, but never was there any Election wherein Men did not labour their Friends by Letter and Entreaty for their Voices.

THERE was in 6<sup>o</sup>. H. 4. a Parliament called *Parliamentum indoctorum*; wherein there were none Burgeses, but such as lived in the Towns, and none Knights of Shires, but such as lived in the Counties, and amongst them neither Lawyer nor learned Man.

If either Burgeses or Knight of the County be non-resident, he can recover no Charges or Wages of the Borough or County for which he serveth; which otherwise by the Law he might.

A NOBLEMAN, being of the upper House, may make a Proxy, because he representeth but his own Person; which a Knight of the Shire or a Burgeses cannot,

cannot, because they represent the whole County or Town for which they serve.

ORDERED, that Sir *Thomas Beaumont's* Election is void, and that of Sir *George Hastings* is good; and that the Sheriff shall make the Return of the Indenture, wherein Sir *George Hastings* was returned to him.

SIR *Alexander Cave*, the High Sheriff, for that he knew Sir *George Hastings* was chosen duly and lawfully, was likewise ordered to acknowledge his Offence; which he did on his Knee at the Bar, saying withal, he was sorry for it: further Punishment was not inflicted on him, for that by the Law for making of an unlawful Election he forfeiteth One Hundred Pounds to the Party wronged, who is Sir *George Hastings*, and One Hundred Pounds more to the King.

THE Under-Sheriff was found faultless, and so cleared.

*Committee for Religion.*

SIR *Robert Phillips* wisheth, that this be not the climacterical Year for Religion; for this is (within a few Months) the sixty-third Year, that the true Religion hath flourished here among us in this Kingdom. But Papists dare now at Tables maintain Transubstantiation; and they are grown so powerful, that Judges dare not receive Indictments against them. It were good that they were prevented, *Nam levius lædit quicquid prævidimus ante*; for now they begin to maintain also the Pope's Authority at Board, and we are in love with the Toys of other States, that we think love us. I pray God they do.

SIR *Edward Giles*. That, when he was Sheriff of *Devonshire*, there came a Writ of Enquiry for Recusants, and there were not returned above ten, and those scarce worth ten Shillings: whereas there are at the least One Hundred rich and wealthy Men Papists in that County.

THERE was one that he knoweth well, who having Five Hundred Pounds *per Annum* at the least, whose

whose Lands were found at Twenty Marks. Another, who had Three Hundred Pounds or Four Hundred Pounds *per Annum*, whose Lands were found at Twenty Nobles *per Annum*: and thus the poorest are only meddled with, or, if the richer, there are but few of them, and their Lands thus undervalued, whereby the King is deluded.

SIR *James Parrett*. There was found within these two Months a Print, where Popish Books were printed in the Prison; where also they have daily and duly Mass said, to which there resort great Store of Papists. Their Lands are found at under Value, their Children are sent beyond Sea, and thence most of them return Jesuits and seminary Priests.

For their Practice and Government here, they have here an Arch-priest, four Principals, and sixteen Assistants.

SIR *Edward Cooke*. That none of this Kingdom may be suffered to go to the Ambassador's to Mass: our King's Ambassador, having a Daughter that died in *Spain*, could not procure there for her Christian Burial. Would have all Papists disarmed and disheartened, and the good Protestants encouraged. That, if they go not out of Town by a Day which he would have published by Proclamation, then the Law to be executed on them.

THAT, whereas the Papists say Queen *Elizabeth* dealt cruelly with them, it was not so; yet their wicked and ungodly Attempts made her exasperate her Laws more than she would have done. At first there was an Act, that those Recusants that came not to Church on the Sabbath Day should pay Twelve Pence for every Day so failing, and pay One Hundred Marks if they went to Mass. XI. *Elizabeth Pius V.* excommunicated the Queen, and interdicted her Kingdom. This awakened her to make those Laws against Jesuits, Seminaries, Priests and Recusants: so that it was their Wickedness that caused her to sharpen her Laws.

*February*



February 8. Moving by the House.

- L. 1. " An Act for the clearing of Eighty-two Pounds  
 " Ten Shillings *per Annum*, to the Bishop of *Coventry*  
 " and *Lichfield* out of Lands belonging to Mr. *Edward Fisher*."

*Knights  
 Banneret  
 cannot sit in  
 Parliament.*

A KNIGHT Banneret can be of neither of the<sup>(12)</sup> Houses of Parliament; for no one under the Degree of an *English* Baron, can be of the higher House, neither can a Baron challenge to come and sit there, unless he or his Ancestors have sat in that House three Parliaments at the least: and a Knight Banneret is too high to serve in the lower House, as a Knight of a Shire, or a Burgess of a Town.

- L. 1. " An Act for further Reformation of Jeofailes, or  
 " Mispleadings in Law by Attornies or others."

By this the Statute of 18th *Elizabeth* is recited and confirmed: a Proviso, that it shall not extend to any Bill for Felony or Murder.

*The King's  
 Attorney General  
 cannot sit in the  
 House of  
 Commons.*

AN Order in this House was made the last Convention, and now confirmed and continued, that the King's Attorney General shall never serve in this House, although he be returned Knight of any Shire, or Burgess of any Town.

A NEW Writ to be sent to *Marlborough* in *Wiltshire* for the electing of another Burgess in the Place of the Lord *Beauchamp*; who, after he was chosen Burgess, and the Day before the Sessions of the Parliament, was by a special Writ called into the upper House.

MR. *Pelham*, being beyond the Seas, was chosen a Burgess for *Grimby* in *Lincolnshire*. Ordered, that it shall be further advised, whether he shall serve or no; or a Writ to go down to choose another. After, it being assured, that he was coming Home with the Ambassadors that went to the Princes of the Union,

Union, it was resolved, he should be expected a little longer; and so coming, when the Parliament had sat six Weeks or above, was admitted a Member of the House.

UPON the second Reading of the Bill against Informers, &c.

SIR *George Moore*. The Order of the House is, that, if a Bill be not spoken against at the second Reading, it is to be presently engrossed and sent to the upper House; and therefore he will speak against a Bill, if he liketh it.

THE Bill against Informers, &c. referred to Committees of all the Knights of Shires; and every one that will be at the Committee shall have a Vote, as well as any of the Committees.

A COMMITTEE of the whole House appointed to sit every *Wednesday* in the Afternoon to examine, enquire, consider, and hear all Complaints of all Courts of Justice, as well ecclesiastical as temporal.

MR. ALFORD affirmeth in the House, that, having taken Pains with some of the Exchequer in searching there, he findeth, that there cometh not above Eight Hundred Pounds *per Annum* to the King of all Fines, Procefs and other Benefit by Means of these Informants, Relaters, &c. and that it costeth the Subject at the least Fifty Thousand Pounds *per Annum* (as he hath with others cast it up, and can make it appear) by the Vexation of these Informants, &c.

*Thursday, February 8.*

COMMITTEE. The same Business that was *Tuesday* after, being the 13th of *February*.

*Friday*

Friday, February 9.

L. r. "An Act concerning the observing of the Sabbath, and punishing the Abuses of it." Where is forbidden all Bull and Bear-baiting, [Dancing, Church-Ale, King-Ale, Hurling, Stage-Players, Morris-Dances] and Interludes, and such like unlawful Exercises.

ALL the rest that I have struck out\* were in the Bill; but at the Committee (by Reason it crossed the King's Book) it was thought best to be omitted, the King having intimated as much by a Message. These Disorders to be proved by two Witnesses before the Justices of Peace at the Sessions: the Punishment of Fines left to their Discretion, but is not to exceed Five Shillings.

THE Number of those in the lower House of Parliament is Four Hundred and Seventy, before the two last Towns lately added by the King's Charters.

AN Order of the House, that none may speak twice to one Bill or Motion in the House in one Day, unless it be on new Matter; but as often as they will at a Committee.

*Election at Oxford.* There is, according to their Custom, the Mayor, four Aldermen, eight Citizens, two Bailiffs, and so many of the Commonalty to be added to those as make up the Number of forty-eight, which are called the Commonalty; and these make all Elections there.

SIR *Francis Blunden* was elected by the aforesaid Number for a Burgess for *Oxon* for this Parliament. Afterward, when he was named to the rest of the Commons who were not admitted into the Court-Hall, they all named Mr. *Wentworth* of *Lincoln's Inn*, their Recorder; and so made a Return of Mr. *Wentworth* to the Sheriff. This second Election by the

\* The Words between the Crotchets are struck through with a Pen in the MS.

Commons was held lawful, and the other unjust; and so Sir *Francis Blunden* turned out of the House, and the Sheriff ordered and commanded by the House to make Return of Mr. *Wentworth*, and that no other Writ should go forth for a new Election. If a Sheriff of two Elections return which he list, it is now ordered by the House in this Case and that of *Gatton* in *Surry*, that, if he return one whose Election proveth not lawful in the Judgment of the House, then he shall be ordered, that he make Return of the other Knight or Burgeſs, and that no other Writ shall be granted for a new Election.

A COMMITTEE was sent into the Committee Chamber to conſider, whether the Lord Steward's Deputies had ſufficient Power to miniſter the Oaths of Allegiance and Supremacy to thoſe, to whom they had once miniſtered it before. They return that,

1. To thoſe who have not taken it, although they have ſit in the Houſe, they may miniſter it.

2. To thoſe that have not taken it diſtinctly they may miniſter it again.

3. OR, if they touched not the Book, and kiſſed it.

4. ONE Commiſſioner may miniſter it to another.

5. THOSE who have taken it fully and lawfully, by laying their Hand on the Book, ought not to take it again.

6. EVERY one ſeverally to recognize before the Houſe, whether he hath taken it, as in the fifth Point: if not, then to take it again. And this ſixth Point ſtood for an Order, which was appointed to be; and performed the Morrow Morning accordingly by all thoſe that were in the Houſe, ſeverally one after the other, as the Clerk named them; and thoſe that were then abſent did it the next Day, or as ſoon as they came.

A LETTER came now in unto the Speaker from the King, that, whereas his Maſteſty underſtood of our pious and religious Purpoſe to receive the Communion the *Sunday* following, and that we were, as his Maſteſty

*Letter from  
the King.*



Majesty was informed, destitute or not resolved of a Church where to receive it; that his Majesty, by Reason of the Conveniency of the Place, wished us to celebrate it at the Parish Church, being the Place where, the last Convention, those of the House performed the same. And according to his Letter Word was sent to the Dean to certify (not entreat) him, that we purposed to receive the Communion there that Day.

THE Dean yet denies Leave, unless the King would give Command by special License, that Doctor *Usher* (who, he said, was no licensed Preacher) should preach; although the Doctor indeed be a Bishop elect of *Ireland*, and a very learned good Preacher.

*Friday, February 9.*

COMMITTEE. Order of the House, that none ought or must speak against what is allowed, and agreed, and resolved on by the House.

*Saturday February 10.*

*Sir John  
Leech put  
out of the  
House.*

SIR *John Leech*, having sat in the House not having taken either of the Oaths, as others of the House had, and was bound to do by the Statute, when as he saw every Man thus particularly as before make Protestation, that he had taken both the Oaths, &c. went out of the House to the Lord Steward's Deputies (who were purposely gone forth to minister the Oaths to such, as had not taken them lawfully, fully, &c.) desiring to have the Oaths ministered unto him; but they, first asking him, whether he had sat in the House or no this Parliament, whereto he answered he had, and then they demanding, whether he had taken the Oath in Part or none at all, he said none at all, they forbore to give him the

the Oath; till they had first acquainted the House with it; which they did.

MR. *Thomas Crewe*. That Sir *John Leech* cannot serve in Parliament; for then the House should dispense with an Act of Parliament, which saith, he who sitteth in the House unsworn shall be accounted as a Man not elected or returned.

IF this had been Presumption, he should have been sent to the Tower: If Corruption, that he would refuse those Oaths, then a heavier Punishment according to the Law, But it was not the latter, because he, being or having been the King's Servant, hath taken the Oath heretofore.

SIR *John Strangeways* said, it could not be Ignorance in him, for that he served in this House the last Convention; and this Parliament there hath been so much Speech of it, that he could not but know the Danger of it.

HE was called to the Bar, where he kneeled; and then, being bid stand up, he confessed he had sat in the House a Quarter of an Hour on *Wednesday* Morning last; being unsworn, He was therefore disabled to serve in the House for this Parliament, and a new Writ was sent forth by Course, not Order, to make Election of another Burgeſs in his Place; and he was discharged without farther Punishment, paying the Serjeant's Fees, his Punishment, being remitted, because [*the Omission*] was only imputed to Negligence.

*Monday, February 12.*

HENRY DORRELL, hearing, Mr. *Lovell* had declared in the House his Abuse and Ill Carriage of a Business in the Court of Wards against one Mr. *Newdigate*, gave forth, that he would have Mr. *Lovell* committed, if not during the Parliament, yet as soon as the Parliament should be ended. On which Report of *Dorrell's* he was sent for by the Serjeant, where he answered at the Bar on his Knee: but it is put off,  
and

and a Day given to bring forth the Witness that heard *Dorrell* speak these Words.

It was much debated on both Sides, whether we should prefer a Petition or Message to the King for Liberty of Speech, or not.

*Liberty of  
Speech.*

*MR. Alford.* That it hath been told him, that he hath not yet spoke any Thing that may be laid hold on; so as it seems, there are Eyes over him to observe, if he shall speak any Thing freely, which may be distasteful to the King: but he must speak freely, and his Conscience, though he displease the King, for the good of the Kingdom; and it is needful to have some Assurance and Leave to speak freely, since that a private Man threateneth *Mr. Lovell*, a Member of this House, to have him imprisoned after the Sessions of the Parliament.

THE first Draught of the Form, either of a Message or Petition to his Majesty for Speech, was disliked altogether; and a new Committee appointed to consider, whether it were best to go to his Majesty by Message or Petition, and of another Manner of Petition and Message; and likewise to consider of framing a Bill for this Purpose for an Act of Parliament to confirm the Liberties and Privileges of Speech of those of this House.

*SIR George Moore.* It is the Honour of this House to observe the Order of this House.

*SIR Robert Phillips.* That in Matter of Bills an Order of this House is strictly to be observed; but in Motions Orders are not so strictly to be kept.

*SIR Edwin Sandys.* That, in Queen *Elizabeth's* Time, some that preferred a Bill to dissolve a third Part of the Kingdom, that is, all the Bishops of the Kingdom, were by her Majesty (albeit they were Members of this House) sent to the Tower during the Parliament: So likewise was another that preferred a Bill concerning the Successors to this Kingdom; and this also during the Sessions of Parliament, and just as the former.

SIR

*SIR Alexander Cave*, High Sheriff of *Leicestershire*, petitioneth the House, that he may have Order from the House to raze the Writ that he returned, when he returned *Sir Thomas Beaumont*; which (being held a Thing unlawful) was thought a great Presumption to demand of so honourable an Assembly, and but a deluding of the House. Therein also he certifieth, that *Sir Thomas Beaumont* threateneth to bring an Action of the Case against him for not returning him, and for returning *Sir George Hastings*. Day given till *Friday* next to the Sheriff to be here with the Indenture, wherein was returned *Sir George Hastings*; and ordered, that *Sir Thomas Beaumont*, for threatening the Sheriff, shall then likewise be there to answer it.

*Monday, February 12.*

COMMITTEE. There was read a Draught of a Message concerning Recusants; which we are to acquaint the Lords withal, and then to go withal to the King. The Effect whereof is thus; The Title, For the better Execution of the Laws against Jesuits, Seminary Priests, and Popish Recusants; to desire, that a Proclamation may be, commanding them to make their Retire from the Town into the Country; and to that End to discharge all by Passes and License, whereby they are come hither; and that they do not come within Ten Miles of *London* or the Court, but to keep confined within Five Miles of their Houses in the Country. To disarm all convicted Papists; to forbid all People to hear Mass, either in their own, or in any Ambassador's Houses, upon Pain of having the Laws inflicted upon them. To execute the Laws against all Jesuits and Seminary Priests, and in the mean Time to have them all kept close Prisoners. That all convenient Expedition and Encouragement may be given in all his Majesty's  
C Courts



Courts of Justice to all such, as shall inform against them on the Statute of 3 Jac.

Tuesday, February 13.

L. 1. "AN ACT for the Confirmation of the Customs,  
" Liberties and Privileges of the Manor of *Bod-*  
" *denham* in the County of *Sussex*."

L. 1. "AN ACT to suppress the Exaction of Tithes to  
" be paid for Fishing Voyages to *Newfoundland*, and  
" other Places beyond the Sea. [*Vid. plus fol.* 196.

L. 1. "AN ACT \* to prevent and punish the Abuses of  
" procuring Process of the Peace or good Behaviour  
" out of any of the Courts of King's Bench, or  
" Common Pleas at *Westminster*, and to prevent  
" Abuses for procuring *Supersedeas*, unless the Pro-  
" cess (on which the *Supersedeas* is grounded) be  
" granted by the Judges in open Court; and to  
" make void any *Supersedeas*, that is not so ground-  
" ed. And further, that no Writ of *Certiorari* shall  
" go forth to remove any Indictment for the good  
" Behaviour, or the Peace out of the County."

No Man ought to speak against a Bill upon Re-  
port, or before he hath heard it read.

L. 1. "AN ACT for the better Encouragement of Works  
" of Charity in the erecting of Hospitals, or abiding  
" and working Houses and Places for poor People."

SIR *Edward Cooke*. That Ecclesiastical Courts may  
be limited to a Time.

That Dr. *Julio*, an experimental Physician, (who  
was Queen *Elizabeth's* Physician) having been mar-  
ried Eighteen Years to Dr. *Hill's* Widow, one [. . .  
. . . .] (who would make Love to any Woman)  
sued forth a Precontract; which being proved duly,  
*Julio* was divorced by the Ecclesiastical Court.

SIR

\* [Sent to the Lords, and passed both Houses.]

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16) SIR *Edward Cooke* would not have Courts limited, but the Party to sue within such a Time; and that they should be limited in the King's Bench, which is *coram domino rege*: and so likewise, that Men should be limited in what Time to sue in all subordinate Courts of Equity, as well as in the High Court of Chancery; and the rather, for that in the Courts of Chancery there is no Certainty.

MR. *Alford*. That he spent in one Suit in the Chancery Twenty-four Years, above three Apprenticeships: and, after the Party had sued him sixteen Years together, he was at length in the same Suit examined on Depositions against him in Thirty-six Sheets of Paper; and, until Mr. *Alford* produced forth the Bill and Replication, his Adversary never remembered he had sued Mr. *Alford*.

A Woman was never known to come into this House of Parliament; not so much as to witness any Business, but before a Committee: and therefore it was now ordered, that a Committee should go to the Door to take the Examination of a Woman there, in a Business of Mr. *Lovell's*, and so report it to the House, which they did forthwith; and that the Man Witness there at the Door should come into the House to the Bar to witness.

"AN ACT\* concerning Women convicted of small Felonies, not being Burglary, or Robbery of not above Twelvepence; and that in all Cases, wherefore a Man hath his Clergy, (which is not by the Law allowed to Women) by this Bill Women are not to suffer Death, but to be burnt in the Brawn of the left Hand under the Thumb with a redhot Iron, whereon should be the Letter T; and this is to continue till the first Sessions of the next Parliament."

L. 1.

MR. *Fanshawe*. That all the Lawyers of the House may reduce all the Laws concerning Clergy

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into

\* [Passed our House.]

into one certain Law, and a Bill to be made accordingly; which was, at his Motion, so ordered by the House.

L. 1. "AN Act concerning the true making of good  
"and sufficient Cards for Wool; that the Wire be  
"good and new." This preferred by Alderman  
*Whitson*, and is to be engrossed.

SIR *John Jephson*. That, since it hath been moved for a Supply against *Spinola* for the Recovery of the *Palatinate*, he thought it his Duty to acquaint the House, that the last Night late he received Notice, that there were on the Quay, ready to be shipped, One Hundred Pieces of Ordnance of Iron to be transported at the *Spanish* Ambassador's Suit, and also Carriages for Ordnances, and [. . .] Tons of Bullets of Iron; and desireth, that the House will be pleased to be humble Suitors to his Majesty, that Stay may be made for the transporting these Ordnances at this Time, considering that *Spinola* (howsoever employed by the Emperor and Archduke, is the King of *Spain's* Servant, and at his Command.

SECRETARY *Calvert*. That this Warrant for transporting these One Hundred Pieces of Iron Ordnance was granted two Years since to the *Spanish* Ambassador; as, a little before, the like Warrant was granted for Two Hundred to the States: And these One Hundred Ordnances are to go into *Portugal* far enough from the *Palatinate*. For the Carriages, that is a Matter of small Moment; for that it is well known, Timber is to be had every where; and, for the Fashion, it is already in *Spain*; for they have it by such Ships as have been taken from the *English*; and they buy them there out of our *English* Ships.

SIR *Edward Giles*. That it is likely the *Spaniard* will transport these Ordnance, where he shall have most need of them.

MR.

MR. Bateman. It is almost Felony for us to bring Pikes, Swords, or other Armory out of *Spain* or *Turkey*; and therefore desireth that the sending of them may be delayed, if the Warrant may not be wholly called in. If his Majesty's Honour were engaged, it was before these Wars in the *Palatinate*, and therefore it will be nothing dishonourable in the King now to disengage himself, or at least delay the Performance of it.

MR. Towerfon. That at *Portugal* they are preparing of twelve Ships against those of this Country who trade into the *East Indies*; and it may be, those Pieces are to serve in those Ships.

7) Hereupon it is ordered, that all the Lords of the Council go presently to the King from this House, to desire his Majesty, in Respect of his Majesty's Speech to this House concerning the *Palatinate*, that these One Hundred Ordnances, Carriages and Bullets may be forthwith stayed; and that the House rise not till the Lords return.

THE Answer from the King concerning this.

HIS Majesty would have us consider, that the Time when this was granted was two Years since, and that his Honour is engaged for the Performance of it.—That he hath Assurance from the King of *Spain* and his Ambassadors, that these Ordnances are only to be employed against the Pirates; and that the License was granted by the Advice of his Privy Council, and renewed again by the King.—That, since his Majesty purposeth to try first by Treaty, it will be an ill Inducement to any good Success, to break his honourable Promise before he begin the Treaty.—That those Ordnance which were transported by Colour of this Warrant, were transported by a false Warrant.

An Order is made, that no Lawyer or other Member of the House shall go forth of Town to any Circuit or elsewhere, during this Sessions of Parliament, without special License of the House first obtained



by Motion. And that, if any of the House have any Trial at the Assize, upon Motion he shall have a Letter under the Speaker's Hand to stay the same as long as the Sessions of Parliament endureth.

A COMMITTEE is appointed to examine, what penal Laws are fit to be refined, or repealed; what are in Force, and what out of Force; and to reduce all to one Head, which concern one Matter. That the Laws, which are as a Golden Sceptre in the Hand of the King, be not made a Rod of Iron in the Hands of the People; for there are many penal Laws, which are but as Snares to take Men in; it is so long since they were looked into. Ordered, that six Committees named of the House, shall every *Saturday* after Dinner overlook the Clerk of the Parliament's Book; that every Week's Labour may be ordered and rectified, and so to be engrossed in Parchment.

By Order of the House, if the House be divided, the *Yeas* are to go forth, and the *Noes* to sit still.

*Tuesday, February 13.*

COMMITTEE. Sir *Thomas Saville* complaineth of Sir *Thomas Wentworth's* threatening the Freeholders, and his unlawful preparing them to elect himself and Sir *George Calvert* Knights of *Yorkshire*: to prove which, he produced two Warrants from two High Constables there, which were written in Sir *Thomas Wentworth's* Name, he being a Justice of Peace of that County; and by one of them the Constable did require, and in the other did request the Freeholders of such a Place or Parish to be at *York* on *Christmas Day*, there to make Election of Sir *Thomas Wentworth*, and Sir *George Calvert*, his Majesty's Secretary of State, to be Knights of that Shire for this Parliament; and certifying to the said Freeholders, that he was to certify to Sir *Thomas Wentworth* all the Names of such as would give him their Voices, and to return him likewise the Names  
of

of those that refused to give him their Voices. And to prove this the stronger, Sir *Thomas Saville* did also produce a Witness, one *Henry Johnson*, an Attorney at Law; who testified openly in the House, that he saw and read a Letter of Sir *Thomas Wentworth's*, written to one *Stanbope*, another of the High Constables thereabouts in the said County of *York*, to will and require him to summon the Freeholders thereabouts (or of that Parish or Hundred) to meet him at *Tadcaster*, and so to go with him to *York*, to elect as above, and to certify, as in the former Constables Letters: and the said *Johnson* said, he read this Letter over, and heard it read twice more.

(18) A MAN may write to his Friends to labour Freeholders for to give their Voices, and to desire them to give their Voices to elect him Knight of the Shire, or Burgess of any Place; but it is unlawful to require or threaten any Man or Freeholder to give his Voice (for then is not the Election free) or to give Order to have their Names returned to him (especially as he was a powerful Man in the Country) that shall refuse to give their Voices.

Wednesday, February 14.

“ AN ACT for Confirmation of the Sale of certain L. 1.  
 “ Lands in *Fletton*, in the County of *Huntingdon*,  
 “ for the Payment of the Debts of Sir *Edward*  
 “ *Apsley*, and the Performance of his Will: whereof  
 “ Sir *Edward Montague* was one of the Executors  
 “ in Trust.”

“ AN ACT for the founding and establishing of a L. 1.  
 “ College or Hospital in *East Grimstead* in *Suffex*,  
 “ founded by *Robert* Earl of *Dorset*, for the Main-  
 “ tenance of Twenty Poor Men, Ten Women, and  
 “ One Warden, all unmarried; for the which he  
 “ gave by his last Will and Testament,, Three Hun-  
 “ dred and Thirty Pounds *per Annum*, for the Pay-  
 “ ment

" ment whereof he tied all his Lands in *England*,  
 " And by this Bill it is enacted, that but some  
 " certain of his Lands shall be tied for the Payment  
 " of the said Sum; the rather for that the now Earl  
 " hath purchased certain Lands near *East Grimstead*,  
 " out of which shall yearly issue the said Sum for  
 " the Maintenance of the said Hospital: Which is  
 " also by this Act made a Corporation, whereof the  
 " Warden to be chief, and two of the most sufficient  
 " Men of the said Parish to be two Assistants; and  
 " the Warden and Assistants to be chosen always by  
 " the Heirs of the said Earl of *Dorset*, and the Col-  
 " lege to be called by the Name of *Sackville Col-*  
 " lege; which is also to have a Common Seal, about  
 " which is to be written SACKVILLE COLLEGE FOR  
 " THE POOR.

L. I. " AN Act of free Liberty of buying and selling  
 " of Wools, and the same to buy and sell them  
 " again." [Engrossed. Vid. plus, fol. 187.

SIR *Thomas Wentworth*. That the Cause that  
 there is no better Sale of Cloth now of late, is by  
 Reason of Alderman *Coquin's* Patent for the dyeing  
 and dressing of Cloths, and the pretermitted Cul-  
 tom.

SIR *Robert Crane*. That the breaking of Mer-  
 chants is a great Decay of Clothing, and Undoing  
 of Clothiers. And this Trade is so much decayed  
 in his County,, that the Alnage, which was wont to  
 be very well worth Five Hundred Pounds *per Ann.*  
 cannot now be let for Three Hundred Pounds *per*  
*Annum*.

SIR *Edward Cooke*. That Lord Chief Justice  
*Popham* was wont to say, that you cannot abate  
 Twelvepence of a Tod of Wool, but it will be out  
 of this Kingdom's Way One Hundred Thousand  
 Pounds *per Annum*. Those of *Germany* and other  
 Places beyond the Sea, were wont to set their Peo-  
 ple at Work, when as we sent over our Cloth un-  
 dyed

dyed and undressed; and so gained by that in their public States, besides what private Increase they made to themselves by stretching of the Cloth, and on the Prizes, which this Patent of *Coquin's* hindereth: And therefore, rather than they will have their Poor be idle, and themselves be tied to take our ill dressed and dyed Cloths, they get what they can of our Wools by Back-doors, some other out of *Spain* and their own Country, to keep their own poor People at Work; and they now make so much there, that we cannot vend our Cloths so well as we were before wont.

SIR *William Cope*. That our People are not able to buy the fortieth Part of the Wool or Cloth of this Country, unless they vend it. That the Merchant Adventurers used all by one Consent to agree, that they will give but a certain Price for Cloth, abating sometimes a Noble of a Cloth of that they gave the last Week; and no other that is not of that Company may buy.

MR. *Neale*. That the pretermitted Custom of Fourpence on a Kersey amounteth to One Thousand Pounds *per Annum* in *Devonshire*, and the Custom of Kersies in that Country was wont to come to Eight Thousand Pounds *per Annum*.

“AN ACT for the better Encouragement of  
“ Works of Charity in erecting of Hospitals, abiding  
“ and working Places for the Poor.” [Engrossed.] L. 26

This Act is made to stand perpetual, that it shall be lawful for any Man to erect such Hospitals or abiding Places for the Poor.

This was committed and reported, and is now ordered to be engrossed.—This Act was made in 39°. *Elizabeth* to be good for Twenty Years, and now it is to be perpetual.

SIR *John Strangeways* moved the House to take  
some Order to reform the great Abuses and ill  
Usage

*Abuses by the  
Warden of  
the Fleet.*



Usage, that the Warden of the *Fleet* offereth to the Prisoners there, as well Gentlemen as others; and of the unreasonable Gains he by this Means extracteth from them.

SIR *William Cope*, against the Extortion of Fees by the Warden of the *Fleet*. That that, which was wont to be worth to him but One Hundred and Sixty Pounds, is now let at Eleven Hundred Pounds *per Annum*, and reported by the Warden of the *Fleet* himself to be worth Three Thousand Pounds *per Annum*.

MR. *Mallet*. That the said Warden hath (of such as are not able to live upon his high-rated Commons) for Leave to bring Meat into the House, Twopence for every Dish.

SIR *Edward Cooke*. That those who are in Execution, may be kept *in arcta et salva custodia*; and Irons may be laid on some, such as are desperate and like to escape, being in on Execution.

A COMMITTEE is appointed for this Business of the *Fleet*, Monday next, at Two of the Clock, in the *Temple-Hall*. And the Serjeant to give the Warden of the *Fleet* Notice to attend the Committee, and, in the mean Time, that he give Liberty for Council to come to the Prisoners, and that he would appoint them several Chambers; for that it was complained, that they were forced to lie Ten and Six Beds in a Chamber, so that, if they would spit, it must be in one another's Faces.

- L. 1. " An Act for Limitation of Time for the bringing of Formedons in the Descender, as well as  
 " other Formedons in the Remainder and Reverter,  
 " to be brought within Fifty Years; and for bringing Writs of Error in an Action real or personal,  
 " to be brought within seven Years, with Proviso."

[*Vid. plus, fol. 79.*]

" AN

“ AN Act for repressing of Drunkenness, and  
“ for Restraint of excessive Prices of Beer and Ale.”

SIR *Edward Cooke* reporteth the Conference with the Lords concerning Recusants, that he never was at a more honourable, favourable, and speedy Despatch. Their Lordships have approved with all the Particulars of the Message, and will acquaint the King, and send us his Majesty's Answer tomorrow; when we shall attend his Majesty about it.

*Wednesday, February 14.*

COMMITTEE. Concerning the hearing and examining of all Complaints of any Court of Justice.

PROSECUTORS for concealed Wardships go not to the Party or his Tenants, but to the County Court; and there give Notice (unknown to any that know the Party) and then procure the Feodary and Escheator (who are likewise too mercenary) to go clandestinely into some remote Corner of the County, far distant and obscure, and there this Prosecutor will procure one of his Companions to depose, that all or some of the Land his Ancestors died seised of, is held *in Capite*; upon which Evidence the Jury findeth for the King, and so this Inquisition is accordingly made: Upon the Return of this Inquisition Order on Motion goeth forth for to deliver Possession by such a Day, unless the Party before that Time shew Cause to the contrary. Then the Prosecutor taketh forth a Copy of this Order, and delivereth to the Party a false Copy of it, leaving forth the last Clause, *viz.* unless Cause to the contrary be shewn by such a Day. When this is done, there is no Remedy for the Party but by Way of Traverse; which commonly lasteth above two Years, before it can be again reduced to a good and just Course: And it will cost one Hundred Marks at the

*Abuses in  
the Court of  
Wards.*

the least to remedy and avoid this unlawful Inquisition or Office.

Against Protections in the Court of Wards.

When two enter into Bond, the Principal is a poor Man, but the other being rich dieth, leaving his Son a Ward. The Creditor cannot sue the Ward, but the Court of Wards will stay the Proceedings, until the Ward be of Age; which in the Law is intended not to be until he hath sued forth his Livery, which (if he owe much, or be far engaged by his Father for others) he will scarce ever do: And so by this Means the Creditor is without Remedy. This was *Ware's* and *Morton's* Case.—It is thought fit by this House, that a select Committee draw a Bill that no Protections be granted by any Court for any Reasons, either of Wardship under Age, or otherwise, thus to defeat the Creditor.

*Master of the Wards.* THAT Fees of Courts be looked into, and see what they were Ten Years since, and what increased at this Time; for they are extraordinary, insomuch that it now costs more to get a Day of hearing, than the Matter is many Times worth.

To consider likewise of the Differences of Jurisdictions of Courts. (20)

IN a Cause between a Parson and a Ward for Tithes, the Court of Wards committed the Parson; who afterwards brought his Suit in the Chancery, which in like Manner committed the Ward; and so both Parties are now in Prison: And this proceeds, because there is no Difference set between the Jurisdiction of Courts.

AND, to conclude, he would, that a Bill might be considered of by this honourable House, to amend the Abuses concerning the Fees of Courts, Protections of Courts, Differences of Jurisdictions of Courts.

*Master of the Rolls.* That new Fees are much increased by new Offices; and therefore wisheth this House would be pleased to consider what new Offices

are

are lately erected, and by what Authority; and also what Fees are increased either in Number or Quantity.

Thursday, February 15.

“ AN Act for the speedy Recovery of small Debts, L. 1.  
“ and Duties in *London*; and for avoiding of Travel,  
“ and excessive Charges of Suits.”

THIS Bill, because it concerned none but *London*, and was so frivolous, notwithstanding his specious and fair Title, was at the first reading cast away by all the House, *nullo contradicente*.

“ AN Act of Addition for the better amending L. 1.  
“ of High Ways.”

“ AN Act for the keeping of the Sabbath, other- L. 2.  
“ wise called *Sunday*.”

MR. *Sheppard*. That this Bill was idle and indif- Concerning  
observing the  
Sabbath. creet, first, for the Title of it. Every one knoweth, that *Dies Sabbati* is Latin for the Sabbath day; and *Dies Sabbati* is *Saturday*, as it is taken in all Writs, Returns, and amongst Lawyers. So as it is no otherwise than if it should be titled, An Act for the observing of *Saturday*, otherwise called *Sunday*. So much for the Title.—The Body is no better than the Head. This is first an Act made in the Spite of the Face and Teeth of the King's Book, which allows of Dancing on the *Sundays*; and King *David* says, *Let us praise God in a Dance*. This is a Point of Divinity, let us leave it to Divines: And, since King *David* and King *James* bid us dance, let not us make a Statute against Dancing.—He that preferred this Bill was a Perturber of the Peace, and a Puritan. [Here he was staid by Command.]

SIR *William Cope*. That *Sheppard* took Occasion from Puritans who keep the Sabbath, to rail against this Bill that is for Observation of the Sabbath.

SIR



SIR *Edward Cooke*. Whatsoever hindereth the Observation of the Sanctification of the Sabbath is against the Scripture.

MR. *Thomas Crewe*. Before a Man's Words be out of his Mouth they are his own; but, when they are out, they are presently other Men's.

MR. *Sheppard* answereth, that he knew not, nor had Means to know, who preferred the Bill. [He, being so commanded by the House, withdrew himself out of the House.]

SIR *Henry Anderson*. That *Sheppard's* Actions were violent. He said, there was a Kind of Cattle crept up of late, and wished, they might not be Perturb-ers of the Peace; that *Sheppard* did Wrong to all the House, and him particularly, who preferred the Bill.

SIR *Thomas Hobby* said, that *Sheppard* said, that, if a Puritan be presented to the Ordinary for Non-conformity, presently a Justice of the Peace would be ready to fly in the Ordinary's Face.

There came two Judges in a Message to us from the Lords. They were brought into the Midst of the House by the Serjeant of our House, having made three low Congies before they spake: when they declared to us,

THAT his Majesty would hear the Business concerning Recusants on *Saturday*, at Two of the Clock in the Afternoon, at *Whiteball*, in the Guard-Chamber on the Queen's Side: And that presently the Prince and the Lords desire to have a Conference with us concerning this Business, which is to be presented to his Majesty.

MR. *Alford*. That the Speaker should not say, we are to attend the Lords, but the Service; for they are but all one Body with us.

THE Conference with the Lords was concerning the Manner of presenting this Business of the Recusants to the Lords: Whether we would appoint one Speaker, and the Lords another? if yea, then which

which should speak first, because (though the Lords shall otherwise have that Preeminence) we first framed the Business, and their Lordships approved of it without any Addition or Alteration; so that it is properly all our Work. If we will agree, there shall be one of the higher House for both Houses, as, in a Business concerning the Court of Wards heretofore, the Lord Chancellor was appointed.—Hereupon it is ordered by this House, that the Lords appoint one of their House to be Mouth for both Houses for this Business of Recusants.

MR. *Glanville's* Report of the Business concerning Liberty of Speech.

First, that the Committee resolved, but submitted all to the Wisdom of the House, that it was better to go to the King by Message by Word of Mouth than by Petition. *Concerning Liberty of Speech.*

THE Manner and Effect of it to desire his Majesty to make some Expression of his gracious Pleasure, besides the general Allowance of their ancient Freedom of Speech, that, if any of this House shall speak in any undutiful Manner, they may be censured here, and not be punished in or after the Parliament. This was the Effect of the Message: but, as it was in Debate, Mr. Secretary *Calvert* acquainted the House with his Majesty's gracious Pleasure; which is set down in Writing, by Order of this House, under Mr. Secretary's Hand, and Thanks to be given to his Majesty for it.

“ AN ACT for the better making the Armour of the Kingdom for the Time to come;” which is sent us from the Lords, having passed their House already.

“ AN ACT for the naturalizing of Sir *Stephen Lezure*, Knight, born in *Geneva*.” From the Lords also, where it hath passed.

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WHEN we of this House and the Lords join in a Message to the King, this House sendeth ever twice as many as the Lords do. *Old Order.*

*Thursday, February 15.*

COMMITTEE. Concerning Supply and Grievances.

SIR *George Moore* first spoke to encourage the House to give a Supply.

MR. *Christopher Brooke* would advise to give two Subsidies.

MR. Secretary. That the King's ordinary Revenue is much about his ordinary Expenses; but for the Maintenance of War it must (as in all his Progenitors Times Kings of this Crown it hath been) be sustained by the Subject. For the Recovery of the *Palatinate* there must be Twenty-five Thousand Foot, and Five Thousand Horse; for the Maintenance whereof it is needful to have Five Hundred Thousand Pounds *per Annum*, at the least. The Enemy in the *Palatinate* hath Twenty-four Thousand Soldiers.

SIR *Robert Phillips*. That there are three Things mainly considerable in this Parliament. 1. The Defence and Support of the *Palatinate*. 2. The Supply of the King's Wants. 3. The Grievances of the Subjects.

CHAN. of the Exchequer. That the Business of the *Palatinate* is pressing, and so are also the Grievances of the Subject great; but would have us consider, to which it is fittest to give the Dignity, and where to leave the Trust.

SIR *Edward Sackville*. That Three Hundred Thousand Pounds would be good to prepare Arms and Munition, whereof there is more Need than of Money, whether the *Palatinate* be restored or not.

CHAN. of the Exchequer. The Staff hath heretofore been here for Monies, and now we would not share our Thanks.

SIR *Thomas Rowe*. There is no Subject's Estate sure, whilst the King wants: we can give no greater  
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Blow to the Papists, than by being this Day reconciled to the King, for they use it as a Testimony of an ill Affection in us to his Majesty, that we relieve not his Wants in these Times of Necessity; and therefore could wish we gave two Subsidies.

The King and Queen of *Bohemia* have five Children; four Sons and one Daughter.

MASTER of the Rolls. That One Subsidy comes to about Eighty-two Thousand Pounds, and One Fifteenth to Twenty-nine Thousand Pounds.

SIR *Lionel Cranfield*. That it stands with the King's Honour, Profit and Safety to remedy Grievances. It is for the Honour of the King to have Justice duly ministred to his Subjects, and, upon Information from this House, there is no Doubt but his Majesty will perform it. It is for the Profit of his Majesty that Trade and Merchandising be so balanced, as that the many Impositions make not the Prices be raised so high, as that it make a Stop and Damp of Trade; for then there will never be Plenty of Money in the Kingdom. There hath been lately a Collection made of forty Grants, that yield not Four Hundred Pounds *per Annum* Benefit to the King; and those that enjoy them have scarce deserved a good Look of his Majesty: and therefore we need not doubt his Reformation of them all, when he shall be well informed of them.

*Friday, February 16.*

“ AN Act to enable Justices of the Peace to give  
“ Restitution of Possession in certain Cases, *viz.* L. 1,  
“ To Tenants of any Estate of Freehold, to Tenants  
“ by Copy, Lessees for Life; if these were put out  
“ by Force; and this to be done upon Indictment  
“ before the Justices of Peace.”

THE House was moved, whether Sir *Dudley Digs* and Mr. *Morrice Abbott*, who were chosen to be Burgesses of the House, when they were abroad in an

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Ambassage



Ambassage in the *Low Countries*, and returned not till after the Sessions, should be admitted or no.

Sir *Edward Cooke*. That those, who are employed abroad, are without question eligible, though absent when they were chosen; for *absentia ejus, qui reipub. causa abest, non abest*. And hereupon it was ordered, that Sir *Dudley Digs*, and Mr. *Morrice Abbott* should be sworn and admitted.

Mr. *Christopher Brooke*, concerning Excess of Apparel in these Times, said, that a jolly Courtier heretofore spent but Eighteen Pence *per Annum* in Shoe-Tyes, as appeareth by his Book of Expenses at Court; but how much it now exceeds, he thinketh it worthy the Consideration of this honourable House.

Sir *Edward Cooke's* Report of *Thursday's* Business concerning Subsidies.

THAT there was given a free Gift of two Subsidies; which was given, none gainfaying, and freely, not on any Consideration or Condition for or concerning the *Palatinate*.

HIS Report likewise of the King's gracious Message, which was in Effect thus:—I would have you say and signify to my loving Subjects, that this their free, noble, and no merchantable Dealing, shall produce two notable Effects: First, my Honour and Credit abroad: Secondly, it shall breed such good Blood in me, as I will strive, nay hunt to find out the Grievances and Oppressions of my loving Subjects, and relieve them; and herein I will meet them more than half way.

THIS Message was sent the House by all the Privy Council of our House.

Sir *Edward Mountague*. That all the first Subsidy to be paid the first of *May* next, and the first Payment of the second Subsidy to be paid in *November* next, and the second Payment of the second Subsidy the first of *May* come twelve Months, for he would have us shew our Affections, as well in the Manner  
and

and speedy Payment of it, as in the Gift itself. — And accordingly it was ordered by the House, and referred to a Committee for the drawing of a Bill accordingly, to sit on *Monday* next in the Afternoon, in the Court of Wards.

MR. *Crew*. WE have proceeded herein *bilari* and *celeri manu*, and, if we may have it come *plena manu*, it will be the more acceptable; and it will as much joy the Subject, if that, as these Incendiaries of *Rome* would have blown up this House, we may see all those Patents of Grievances lie crackling in the Fire. — There are *tinea forenses*, that will not eat into Wood, will eat into Parchment. If that, out of his Majesty's gracious Disposition, he would be pleased that the old Rule of Prerogative "*Nulum tempus occurrit Regi*" might be reduced or set down to a certain Time, within which his Majesty's Officers should bring their Suits, it would quicken and awaken the Officers, and make them look more carefully to their Work; and those of his Majesty's Subjects, who have Estates, would be assured of their Land,; which, as long as this Clause continueth good in Law, they cannot be; for a Forfeiture of all that a good Gentleman is worth, may be made by one's Ancestors, One Hundred Years and above before he was born, and yet that may out him out of his Estate, and all he hath.

SIR *Thomas Beaumont*'s Petition, that he purposeth not to sue the High Sheriff; but denieth not that he said so, but submitteth himself to the House. Ordered, that he subscribe the Petition for the Sheriff's Security; and so is discharged.

MR. *Pymme*, concerning *Sheppard*; wherein he observed four Offences that were committed by *Sheppard* in his Speech.

1. Offence against him who preferred the Bill,
2. Against the Justices of Peace.
3. His Profaneness.

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4. AGAINST

4. AGAINST the Laws made by this House, and against the House's Indiscretion.

1. FOR the first, he said, he that preferred the Bill was a Perturber of the Peace. (21)

2. THAT Justices of the Peace were Maintainers of Puritans, for, if any Man complained to the Ordinary against a Puritan, you should have a Justice of Peace ready to fly into the Face of him that so complained of them.

3. THAT King *David* said, *Let us praise God in a Dance*; thereby comparing the dancing about Maypoles, which was forbidden by the Statute, to the dancing before the Ark; saying, Shall we inhibit Dancing, which King *David* allowed of and commanded?

4. THAT by this Bill was no other, than to make a Law in Spite and in the Face and Teeth of the King's Book; thereby setting Dissention between the King and this House, which could not but proceed from some ill Ground, and hath an ill Object: And farther exclaimed against the Laws of this House, saying, we made Gins, Engines, and Barricadoes against Papists, and not so much as a Mousetrap against a Puritan.

SIR *Edward Cooke*. That it is in Religion as in other Things, if a Man go too much on the Right Hand, he goes to Superstition, if too much on the Left, to Profaneness and Atheism.—And, take away Reverence, you shall never have Obedience: *Maxima charitas, facere justitiam*. He wisheth to have such Birds crushed in the Shell; for, if it be permitted to speak against such as prefer Bills, we should have none preferred.

SIR *Jeremy Horsey*. That in 35°. *Elizabeth*, there was preferred a Bill into this House, that such as came not to Church on the *Sundays* should pay, for every *Sunday* he was absent, Twelvepence. This being put to the Question, whether the Bill should pass or no, it could not be discerned which Side had the

the most Voices: so as the House was divided, and those that would have the Act made were to go out of the House, the others to remain in the House. To one Gentleman (amongst the rest being about to go forth) he that sat next him said, Whither will you go? there are enough gone forth already; you may stay behind. And it fell out that by his Stay the Voices were so equally divided, that the Speaker (according to the Orders of the House) was to be Umpire, and give his Voice, which yet thereby went with the Bill. This Gentleman that staid behind so at his Friend's Persuasion, the next Day, being to every Man's thinking well and in good Health, fell down in a Swoon, and sitting in the House, and was dead almost an Hour.

MR. *Sheppard* is called in to the Bar, and there on his Knee he heard his Sentence, viz. That the House doth remove him from the Service of this House, as being unworthy to be a Member thereof. *Mr. Sheppard expelled.*

COMMITTEE. *Concerning Wools.*

"AN Act of free Liberty for the buying and selling of Wools," being committed to be considered of.

It is alledged, that the Earl of *Kelly's* Patent of Staplers is held a great Prejudice to the Sale of Wools in this Kingdom.

SIR *William Spencer*. That it was proved at the Council Board, that all the Clothiers of this Kingdom are scarce able to buy the Tenth Part of the Wool of this Kingdom; and therefore it would be a great Prejudice to the State, that the Clothiers should have the sole buying of it.

SIR *John Withrington*. That in *Yorkshire* they sell all their Wools to a third Person, for there is no Clothier within a Hundred Miles of that County.

SIR *William Spencer*. That the Lords of the Council did order, that the Clothiers should have the Preemption of Wool.



SIR Thomas Rowe. That the Clothiers themselves say, that without Fuller's Earth (of which no Country yields so good as our's, and scarce any that hath of it) to scower the Wool, Cloth cannot be made, or very badly; and this the Staplers do transport to the great Prejudice of this Kingdom.—That the Staplers make a Living by buying and selling of Wool, and that the Staplers and those that buy it of them will sell Wool better cheap, than the Gentlemen of the Country and the Growers can, by Reason of their Falsifications; by mixing of Water, Sand and Pitch, which makes it weigh heavier; and so, though they lessen the Price, yet they gain by increasing the Weight of it. And that it were as good that every Man might buy as the Stapler; for they do all the Wrong betwixt the Wool-grower and the Clothier.

MR. Mall, a Stapler. That any one that will give One Hundred and Eleven Pounds (for some have given so much) may be admitted into the Company of Staplers: Some have been admitted for less Sums; others for nothing. By their Patent they may transport Wool, Leather, Lead, Fuller's Earth. All those that deal in these Staple Commodities, and are not of this Company, are within Danger of the Law.

SOME Clothiers are of this Company; but the Earl of Kelly and Guyn have the Patent of the Staplers, whereon is reserved to the King Fifteen Hundred Pounds *per Annum*. They confess, they have transported Wools from London and Southampton to Guernsey and Jersey.

*Saturday, February 17.*

LEAVE is given to Mr. Speaker to send his Letter to stay any Trial against any Member of the House at the Assize, without troubling the House with moving for it: but it must be mentioned to have  
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Leave of the House before any Member of the House shall go into the Country.

“ AN ACT for the Reformation of divers Abuses L. 1.  
 “ and Defects in the making and selling of Tile;  
 “ Brick, Lime, Sand, and other such like Mate-  
 “ rials, within *London*, the Suburbs, and Fifteen  
 “ Miles Compass thereabouts.” And for those that  
 should see this Act performed, an Imposition was  
 laid on most of the Materials; which Bill was at the  
 first Reading, by Reason of the Impositions, cast  
 away by a general Voice.

“ AN ACT prohibiting Importation of foreign L. 1.  
 “ Corn, and for preserving the reasonable Prices of  
 “ Corn, with the lawful preserving of Corn in  
 “ Granaries.” Corn may not by this Act be brought  
 in, when Wheat is at 26 s. and 8 d. the Quarter,  
 Malt and Barley 16 s. Peas at 16 s. Oats at 8 s. Rye  
 at 20 s. and Beans at 16 s. the Quarter. And that  
 it shall be lawful to engross Corn in their Granaries,  
 when it is under the Rates aforesaid.

[*Vid. plus, fol. 11. and 74.*]

SIR *Edward Mountague* moved, and so it was ordered, that the King's Acceptance of the Free Gift may be written down, and given forth in Copies, that the People may see it.

SIR *James Parrett*. That there is due to the King from Recusants Forty Thousand Pounds *per Annum*, whereof his Majesty receiveth not above Six Thousand Pounds. That this is true is easily known; for Queen *Elizabeth* had Eighteen Thousand Pounds *per Annum*, when there was not the third Part of the Papists in this Kingdom as now there is: And therefore desireth, that a select Committee may be appointed to examine the Truth of this, and what is the Cause of it, and also the true Value of the Estates and Wealth of all convicted Recusants.

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MR. Drake. That Papists excuse themselves both from Subsidies, Fifteenths, and Privy Seals, because they alledge, that the King hath two Parts of all their Estates, and they have left to themselves but a Third Part. And he knew one in the County of Devon, that had Three Thousand Pounds *per Annum*, who was rated but at Fifty Pounds *per Annum*.

Alderman Whitson. That he would, since Papists do so much undervalue their Estates, in Order to deceive the King, that themselves should have allowed them what they say their Estates to be, and that the King should have the rest.

An Order was made, that all those who had spoken in this Business, and all the Privy Council, and who-soever else will be there, should have Voices in this Matter, and this Committee to sit *Thursday* next in the Exchequer Chamber.

Courts of  
Justice.

SIR Edward Sackville's Report concerning the Complaints of Courts of Justice.—Concerning Matter of 1. Jurisdiction. 2. Prosecution. 3. Fees. 4. Remedy.

1. Jurisdiction: The Difference between the Court of Wards and Chancery. Possession was given to Sir John Hall, Guardian to his Son, in a Cause of Tithe against a Parson; who, for not obeying the Order of the Court of Wards, was committed. After, the Parson bringing his Suit in Chancery, Possession was there ordered to be restored to the Parson, called Mr. Fuller; and Sir John Hall, likewise refusing to obey that Order, was also committed by the Lord Chancellor; and so both Parties lie in Prison.

2. Prosecution. *Vid. fol. 19.*

3. Fees. *Vid. fol. 20.*

4. Remedy. That Bills may be drawn for the Reformation of all these Abuses. *Vid. plus fol. 19 and 20.*

SIR Edward Cooke. That the overflowing of Jurisdications overthroweth Jurisdications, as a fair Stream over-

overflowing, marreth the River and Waters, be they never so fair.

It is referred, for the Remedy of these Abuses, to a Sub-committee to draw Bills for all these Abuses.

It is a Question, whether, a Return of Knights of a Shire being made on the Back of a Writ, expressing the Names of those who are elected, and of those that did elect, and their *manu-captors*, and this Election proving to be void, whether this Writ may in this Case be razed, and the other Party duly elected inserted, and the other Indenture annexed or no; which is now the Case of Sir *George Hastings* who was duly chosen, and not returned; and Sir *Thomas Beaumont* returned, not being duly chosen.

SIR *Edward Cooke*. *Clausulae inconsuetæ inducunt suspicionem*. All Writs of Error are determined in the higher House. The Statute is, that the Indenture annexed shall be the Return of the Writ; and so in this Case of Sir *George Hastings*, it is ordered, that all the Endorsement on the Writ shall be razed, and the other Indenture shall be annexed; and that there shall be written on the Back of the same Writ so razed *Executio istius brevis patet in quibusdam indenturis huic brevi annexis*.

SIR *William Apprice*, a Prisoner in the *Fleet*, petitioneth this House, that he is kept close Prisoner, so that there is not permitted to come to him any Friend, nor yet his Council for the compounding of his Debts.

*Kennell* complaineth to the House, That the Warden of the *Fleet* debarreth the Prisoners' Children to come to visit them; forceth them to lie Six or Eight in a Room without Beds, and in some Chambers Ten in a Chamber; that they have not Room to spit but on each other's Beds; and that he, having been a Soldier Fourteen Years, never endured so much Misery, as he did in the *Fleet* by the Warden's Cruelty. That the Warden hath sometimes more to give Leave to have a Dish of Meat brought into the



the *Fleet*, than it is worth: And that he was kept seven Days without Victuals, notwithstanding he still sent for it, and Twenty-two Months close Prisoner. They pay Two Shillings and Fourpence a Week for their Lodgings, when as they lie Ten in a Chamber. There are Two Prisoners that lie in *Bolton's* Ward, a dark Dungeon in the *Fleet*, and have lain there these One Hundred and Eighty Days, the one of them being in on a mean Process, and the other on an Execution, having no Bed, because they will not pay the Warden's unreasonable Demands.

It is ordered hereon, that next *Monday* Mr. *Chambellan* and this *Kennell* present to the House in Writing their own, and the rest of the Prisoners' Complaints.

A *Suit* being brought in the King's Bench by some of the Prisoners, for that the Warden extorted from them Twopence a Dish for the bringing into the *Fleet* Meat for some of them, and on the Testimony of one Man Judgement was given for the Warden against the Prisoner.

*Kennell* being demanded, to whom the Prisoners complained, answered, it was to the Lords of the Council one Time, and could never have Answer; but their Petitions were delivered to the Hands of the Warden. And one other Time himself petitioning Sir *Robert Nanton*, his Honour told the Warden, that this Party, *Kennell*, had done more Service to the Kingdom than ever the Warden did.

WARDEN of the *Fleet's* Examination.

THAT he lodgeth in a great Part of the *Fleet* but one in a Chamber; that there are Ten Beds in the *Tower* Chamber and in some other Chambers there are Eight Beds in a Chamber, and in others Six Beds. He hath taken away their Beds, because they would not lie two in a Bed.—The Reason why he taketh half Commons of those that diet not with him, is the Constitutions and Orders of the *Fleet*: for the Prisoners' dieting elsewhere hindereth his Sale and

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Utterance of his Victuals and Provision, and so his Profit.

Mr. *Wrenbam*. THAT Sir *Francis Inglefield* was kept close Prisoner four or five Weeks.

THE Warden answereth, that it was by Command from the Lord Chancellor; and, he taketh it, there was an Order for it in the Court of Chancery.

Mr. Secretary. That this *Harris* is not the Warden, but only one that renteth it; and that there are others, who are Wardens.

Sir *Edward Cooke*. The Prison of the *Fleet* is the King's, but the Inheritance of it is in one *Eldred* and *Lillow*, two Merchants of *London*.

Sir *Thomas Edmunds*. It is true, there was a Commission to himself, the Master of the Rolls, and some two or three others of the Council, to hear and examine the Abuses of the *Fleet*, and they sat a little while on it, and then it was taken from them and other Committees appointed; and since that Time he never heard of this Business.

It is Ordered, that a Committee shall go to the Prison of the *Fleet* this Afternoon, to examine there the Abuses, and Usage of the Warden to the poor Prisoners there.

*Monday, February 19.*

THE Clerk being Sick, his Son is admitted to sit in his Place; and it was ordered, but it was not observed, that one Lawyer one Day, and another another Day, shall sit in the low Chair by him with his Hat on his Head, and to have his Voice and speak, and have the same Privilege as any other Member of the House, only he shall sit there to assist the young Clerk in his Father's Sickness.

Sir *Edward Sackville* being sick Yesterday, when he should have received the Communion, desireth Leave of the House (by Sir *Robert Phillips*) that he may be admitted into the House, and he will receive it

it the *Sunday* next; but the House (albeit they are well assured of his Soundness in Religion) will not, for Example's Sake, break the Order: And so two of the House being appointed went with him to *Westminster*, and saw him receive the Communion, and then he came in.

THE like was to Sir *Robert Bennet*, who was absent for Sickness also.

A REPORT from his Majesty is to have Precedency of all other Reports.

MR. Secretary's Report of the King's Words concerning *Sheppard*; because it was said, that the King censured the Censure given to *Sheppard* by this House. That the King did not question the Censure of this House, but believed it to be just; and desired, that, as they had struck on the right Hand at Papists, so likewise that they would strike on the left Hand at Puritans: And withal desireth, that we will not pass a Bill so directly against his Book, in Respect of his Majesty's Honour, the Book being made on so mature and good Deliberation.

SIR *James Parrett*. That, wherein the Bill doth cross or contrary his Majesty's Book, it may be reformed; and yet may it be so made, as that it may pass, and be good for the Reformation of the Abuses of the Sabbath.

SIR *Thomas Rowe*. That the Causes wherefore *Sheppard* was put out of the House, may be set down in Writing; it being for Profanation, for speaking against Justice, the Members of this House, and the Laws made by the House.

It is Ordered, that the Committee shall consider of the Bill for the Sabbath, and make it so, as it cross not with his Majesty's Book.

SIR *George Moore*'s Report concerning Returns and Privileges.

THE Cause between Sir *Thomas Wentworth* and Sir *Thomas Saville*.

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THE Complaint is twofold: First, of an undue Preparation by Sir *Thomas Wentworth*; and Second, an undue Execution by the Sheriff, in excluding those that came to elect another, viz. Sir — *Saville*; and for not examining those that came for Sir *Thomas Wentworth*, whether they were Freeholders or no.

SIR *Thomas Wentworth*'s Declaration of all what he did. Lord *Clifford* testified, it was his earnest Desire and Labour to persuade his Brother Sir *Thomas Wentworth* to stand to be one of the Knights of the Shire; and therefore it was not probable, that Sir *Thomas Wentworth* should labour by undue and unlawful Means to procure it.

A GENTLEMAN of this House also testified, that the Reason why there were Men with Halberds at the Entry of the Hall (where the Election was to be made) was to secure and keep the Prisoners for that Time of the Election safe; for the Place, where the Knights were to be chosen, is where the Prison is.

THE Opinion of the Committee. That all the Three Constables (who are charged to have sent threatening Warrants, by the Command of Sir *Thomas Wentworth*) should be sent for; and accordingly the House ordereth, that the said three Constables, viz. *Stanhope*, *Allop* and *Mickleworth*, are to be sent for forthwith, and *Henry Johnson* ordered to attend, till the Three Constables come: And, if they are not faulty, Sir *Thomas Saville*, who is the Cause they are sent for, is to pay their Charges.

SIR *Edward Cooke* presenteth a Bill to be read, entitled,

“AN Act for Limitation of Petitions, Complaints, and Suits of Subjects in any Court of Equity, or before any Judges in any Course of Equity.”

THAT all Complaints concerning any Manor, Lands, Tenements, or Hereditaments of Inheritance, shall be commenced within seven Years after any the said Manor, Lands, &c. so descended or accrued;



with Provision for Infants, feme covert, Men *non campos Mentis, outre le mer*, in Prison; such to bring their Complaint for Equity, within Five Years after such Disabilities removed. And by this Act a Defendant may plead these Bars, that it is seven Years since this Right of Equity should have been brought; and, it being proved by two Witnesses, the Defendant to be dismissed with Costs.

SIR *Arthur Ingram*. That the Committee for the *Fleet* heard the Complaints of *Chambellan, Kennell, Harvey, Coppin*, and other Prisoners in the *Fleet*, and found the same very grievous.

PETITION of the Warden of the *Fleet*. That Paupers do abound there in the *Fleet*; and that, because that they may not have the like Liberty that they have in other Places, they have often plotted his Death. That some, of the Committees, are not discharged of their Imprisonment, having been there his Prisoners, others are indebted to him; and others have near Affiance, and much affected to some Prisoners in his Custody.

SIR *John Strangeways*. That it is true, that *Chambellan* married his Sister, and therefore will not speak of him; but there is one *Harvey*, a very civil Gentleman, committed to the Hole for nothing, but because he will not pay the Warden's unjust Demands. That one *Coppin*, having Fifty Pounds and above in Gold hidden in the Straw of his Bed, (whereof it should seem the Warden had Notice) the Warden caused him to be violently carried into the Hole for no Cause; and then the Warden (on Pretence of looking for Instruments that he said he was told Mr. *Coppin* had hid in his Bed, herewith purposing to break up Prison) searched in the Straw of the Bed, and since that the Money is gone; and Mr. *Coppin* knoweth not who hath it, unless it be the Warden.

SIR *John Withrington*. That in the Tenth Bed-chamber the Committees were forced to stop their

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Noses, there came so ill a Smell out of the Room; and yet some of the Prisoners had lain there four Years together.

SIR *John Strangeways*. That one in Prison (on an Execution) came and justified the Actions of the Warden with a Stiletto by his Side.

MR. *Hackwell*. This House joined with the Lords and severely punished *Latimer*, Lord *Chambellan*, for [ . . . . . ]

SIR *Stephen Procter* for abusing Sir *John Mallaring*, a Member of this House, was by this House sent to the *Tower* at the last Parliament.

WARDEN of the *Fleet* is on his Knee at the Bar to name those that he implieth in his Petition to owe him Money, and not to be discharged from Imprisonment; when he affirmeth that Sir *Robert Flood* is not discharged of his Imprisonment, and that he oweth him some Money. Sir *Robert Flood* waveth that he is discharged; but utterly denieth that he oweth the Warden any thing: Nay affirmeth, that the Warden is in his Debt Twenty-two Pounds, which he delivered him when he came out of the *Fleet*, and whereof he hath given him no Account. He said also, he findeth Sir *Thomas Sherley* is in Debt on his Books of Account; which Sir *Thomas* denieth, never having been in the *Fleet* since this Warden's Time.

Monday, February 19.

COMMITTEE. Concerning Grievances.

MR. *Noye*. That we enquire, whence grow these Grievances; for the King hath let us know that he is not acquainted with it. Monopolies and Power of Dispensation of penal Laws are chief Grounds of all the Grievances, and this ariseth and proceedeth *per importunitatem impetrantis*; and therefore let us examine, who these are, for the King by his Book hath published his Distaste of these importunate Suitors: And therefore it is good that we teach them more Manners.

Manners. Before any Patent is passed, there is first a Petition to his Majesty, shewing what Good will accrue to the Commonwealth by granting of the same, and what Increase of Benefit to the King; and what Abuses (for want of such a Remedy as they propound) do abound: Whereon the King ever referreth the Petition to some whom his Majesty thinketh fittest to consider of the Petition, both for Matter of Law, Conveniency, and Good of the State and Commonwealth; and thereupon the Referrees are to certify his Majesty the Truth of what they think of the Petition; and, as they certify for the Lawfulness and Conveniency and Good both of his Majesty and his Estate, and the particular Good of the Commonweal, his Majesty accordingly granteth it. Wherefore it is most fit, the Referrees should be examined. There are some Patents that in themselves are good and lawful, but abused by the Patentees in the Execution of them, who perform not the Trust reposed in them from his Majesty; and of such a Kind is the Patent for Inns, but those that have the Execution abuse it by setting up Inns in Forests and bye Villages, only to harbour Rogues and Thieves; and such as the Justices of Peace of the Shire, who best know where Inns are fittest to be, and who best deserve to have Licenses for them, have suppressed from keeping of Alehouses; for none is now refused, that will make a good Composition.—There are also some, who have gotten a Power to dispense with the Statute of Vagabonds, Rogues, &c. and so make themselves Dispensers of the Royalties only proper for the King himself.—The like Patent is granted for Toll, Leets, Warrens, Markets, &c. and set up Bills of it on Posts, like new Physicians that are new come to Town, making Merchandises of it. Seeing all those new Projectors do all Things against the King's Intention, which is nothing less than to grieve his Subjects, it were good to send for them and examine them; and, if they have

have done well, to encourage them, if ill, to punish them.

(29) SIR Edward Cooke. There is Prerogative indisputable, and Prerogative disputable. Prerogative indisputable, is that the King hath to make War: Disputable Prerogative is tied to the Laws of *England*; wherein the King also hath divers Prerogatives, as *nullum tempus*, &c. None of all these Monopolies but have fine Examples. There are three Sorts of Patents. 1st. Directly against the Law: 2d. Good in Law, but ill in Execution: 3d. Neither good in Law nor Execution. For the first, when the Sword of Justice, which the Laws have trusted the King withal, is given to a Subject; and the King saith in his Book, that all Grants of Monopolies, and Dispensations of penal Laws are void in Law: When the King granteth his Power to a Subject, the Commonwealth rues for it; and of this Kind are old Debts. For Remedy of this that a Course be taken, that, if Debts owing to the King are not called for within a Time, then to be lost.— Of the second Kind are Patents for Inns. A third are those which are neither good in Law nor Execution; and these are Concealments, which are dishonourable to the King, for no Subject may do it; and indeed the King never knows of it, the sole Fault whereof lies in the Referrees; and for this a Bill should be drawn, that, if the King hath been out of Possession Sixty Years, and not recovered any Rent for it within that Time, then not to be recovered by the King as a Concealment. Monopolies are now grown like Hydras' Heads: They grow up as fast as they are cut off.—All new Offices raise the Prices of Things. In 4<sup>o</sup> H. 7. a Dispensation was granted, that some should not pay Subsidies: This was after repealed by Act of Parliament; for otherwise it would have grown so common, that no Man would have paid, seeing others freed. He shewed, that all the Kings, from *Edward 3.* to this King

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have



have granted Monopolies; and, even in Queen *Elizabeth's* Time, there were some granted.—Sir *Richard Mompeffon* and one *Robert Alexander* procured of Queen *Elizabeth* a Patent for the sole transporting of Anise-seed.—Monopolies have been granted heretofore *de vento & sole*; that in *Devonshire* and *Cornwall* a Patent was granted, that none should dry Pilchards but those Patentees.

MR. *Alford*. That this was the first Parliament that ever he saw Counsellors of State have such Care of the State.

1°. EDWARD 3. *Est jus regium revocare* all Patents; and that we should desire his Majesty to extend his Prerogative to suppress all the Patents, and let us fall upon them that have thus by Importunity procured them Patents. And first, concerning the Patent for Inns, every poor Man that taketh in but a Horse on a Market Day is presently sent for up to *Westminster* and sued, unless he compound with these Patentees: And all ancient Innkeepers, if they will not compound, are presently sued at *Westminster* for Enlargement of their House, if they but set up a new Post, or a little Hovel more than of ancient was there. And, instead of Reformation of Abuses, this Patent doth but raise Reckonings on the poor Traveller; and, instead of restraining the Number of Innkeepers, at *Bath*, where there wont to be but Six, and the Town desired Sir *Giles Mompeffon* there might not be more, yet he increased them *gradatim* from Six to Twenty Innkeepers.

Tuesday, February 20.

“ AN ACT for the confirming and assuring the  
 “ Lands in *New Langford* and *Sevans* in *Kent*; which  
 “ Lands being forfeited by Sir *Henry James* for refusing the Oath of Allegiance, as also were all  
 “ his other Lands and Goods, he being in a *Præmunire* for such his Refusal; but, in Consideration  
 “ of

" of these Lands, the King granted him all other  
" his Lands, and gave these to the Lord *Holderness*  
" for the Payment of his Debts, which Lord sold  
" the same to Mr. *Emerson*, a Merchant of *London*;  
" for Confirmation of which Sale this Act is made."

" AN Act for the naturalizing of Sir *Robert Ayton*,  
" Knt. and *James Boryesyre*, Serjeant of his Majesty's  
" Wine Cellar, both of them being *Scotchmen*."

MR. *Mallet*. That a great Committee being  
appointed cannot sit, unless there meet Eight of  
them.

" AN Act for the better making of the Arms of  
" this Kingdom for the Time to come; which is  
" sent us, being past the Lords House."

A MESSAGE from the Lords, that they desire that  
a Committee be appointed to confer with them, con-  
cerning the settling of a Report of his Majesty's An-  
swer concerning Recufants.

MR. *Dickson* and Mr. *Alman* are Patentees named  
in the Patent or Grant of forfeited Recognizances  
for Alehouses; which was procured principally by  
Sir *Francis Michell*.

SIR *Samuel Sandes*. That these Patentees sold at  
first the forfeited Recognizances for Alehouses, for  
One Hundred Marks a Shire, then for One Hun-  
dred Pounds a County, and now for Four Hundred  
Pounds a County; and the principal Bankrupts of  
all the County have this Commission.

It is Ordered, that a Committee shall have Power  
to send the Serjeant or his Servant for any one to at-  
tend the Committee for Grievances, and that all  
Orders made by them shall be observed.

YESTERDAY, being *Monday, February 19*, Mr.  
Speaker (the Clerk being sick and absent) did him-  
self read all Prayers.

SIR *William Bowyer*. That the Business for the examining the Abuses of the King's Revenue out of the Recusants Lands and Estates, being appointed this Afternoon, may be put off till *Saturday*; and that the Speaker shall have Power to send the Serjeant for the Clerk of any County or any others to give Light in this Matter: and it is ordered accordingly.

AT Sir *Gilbert Gerrard's* Motion it is likewise ordered that Serjeant *Henley* shall be sent for to inform the House in this Business; for that he said he could justify, that divers Commissions have gone forth to value Recusants Estates.

SIR *Edward Cooke* reporteth from the Lords, that the Lord Chancellor commendeth the Gravity of this House, that it proceeds not *saltem*, but *per gradum*; and that tomorrow we shall have the Heads of the King's Answer in Writing to the Petition preferred to his Majesty concerning Recusants.

THE Mayor of *Oxon* for excluding the Commons from the Election of the Burgesses was called to the Bar, and there, on his Submission on his Knee, was discharged, with Caution that the Commons be no more henceforth excluded; for that Election was undue wherein the Commons were excluded: And so it was ordered, that Sir *Francis Blunden* should be displaced, and Mr. *Wentworth* returned and admitted.

*George Lutterell*, of *Dunster* in *Somersetshire*, petitioned, that the Town of *Minehead* in *Somersetshire* have certified two Burgesses to this Parliament, viz. Sir *Robert Flood*, and Sir *Francis Peirce*, notwithstanding their Patent by a Judgment on a *Scire Facias* be void, and repealed: for that the said Town of *Minehead* maintaineth not their Harbour, which was the Cause and Condition of their Power granted to elect two Burgesses to the Parliament.

THE Committee for Returns and Privileges to hear and examine this.

“ AN

“ AN Act that all Petitions or Complaints in any  
“ Court of Equity, concerning any Freeholder’s  
“ Lands or Tenements, shall be commenced with-  
“ in Seven Years after any such Freehold Lands or  
“ Tenements shall be descended or accrued; and  
“ that all Suits for or concerning any Goods, Chat-  
“ tels, real &c. shall begin in any Court of Equity  
“ within Seven Years.”

“ With Provision, in Consideration of certain Dis-  
“ abilities, as Infants, &c. that, in such Case a  
“ Complaint may be made within Three Years after  
“ such Disabilities are removed.”

*Tuesday, February 20.*

COMMITTEE. Concerning the Patent for Inns.

THE Patentees are Sir *Giles Mompeyson*, Mr. *Giles Bridges*, and Mr. *James Thurban*. The Justices of the Peace are to license no Innkeeper but such as shall be certified by the Patentees; and that those Innkeepers that will have it pass under the Great Seal are to bring the like Certificate, which is to be likewise the Lord Chancellor’s Warrant for passing of it.

THE Patentees have each of them One Hundred Pounds *per Annum* apiece to execute this Office: the Seal of this Office is only with *Mompeyson*, who hath also (during Pleasure) solely the Office of Receiver of all the Fines and Rents for Inns; for executing of which said Office he hath also One other Hundred Pounds *per Annum*.

THIS Patent is dated 3<sup>o</sup>. *Martii 14 Jacobi*.

SIR *Giles Mompeyson* being examined, saith, that this Suit was afoot before he came to the Court.— There were two Things that gave him Encouragement to undertake this Business: 1st. The Want of Power in Justices of Peace to set up or pull down Inns: 2. The Course that was taken before the



Patent was granted; it being referred first for Matter of Law to the Lord Chancellor that now is, then being the King's Attorney General, to the Lord Chief Baron of the Exchequer, and Justice *Nicolls*; the second Time (for Matter of Conveniency) to *Suffolk*, then Lord Treasurer of *England*, to Secretary *Winwood*, Secretary *Lake*, and Serjeant *Finch*.

THIS Patent was penned by the Lord Chancellor, (then Attorney General) Lord Treasurer that now is, and Serjeant *Finch*. Sir *Giles Mompesson* is one of the *Quorum* in this Patent; so that nothing was done therein without his Privy and Approbation.

MR. *Crew*. There were three Things questionable in Law concerning this Patent. First, Whether Innholding be a Trade, and so any Man may keep them? 2. Whether ancient Inns may claim Prescription? 3. Whether a new Addition may not be good and lawful by this Prescription? And of these Things these worthy Men, to whom it was referred, might give their Opinions; that it might be a good Patent in Law; and that there might be no Inns held but by License or Prescription; and they are excuseable if they certify their Opinions so far.

Sir *Robert Phillips*. There are in this Patent three Things very considerable. 1. The Blanks left for the Fine, for the Rent, and for the Payment of them; nothing of all these being specified in the Patent. 2. An Injury done in the very Intention of the Patent, by laying an Imposition to do Things so unjust. 3. Pretence of Profit to the King, and a Reward to the Parties for executing the Office. And therefore desireth, Sir *Giles Mompesson* may tell what Profit hath come by this to the King.

CONCERNING the Execution of this Patent, never was there Patent that had such Latitude and Extent in checking the Subject, and disheartening the Justices of Peace; and making Alehouse-keepers to confront the Justices by whom they have been suppressed.

pressed.—*Bath* had anciently but Six Inns, they have now Twenty; whereof some of them have scarcely a Stable for a Horse, or Lodging for a Man: And thus much Mr. *Chapman* and Mr. *Sberstone* certified him under their Hands, and others of that Town. The Sums of this last Year's Profit which came to the King by Fines and Rents are thus: for Fines Three Thousand Two Hundred Pounds and above; for Rent Three Hundred Pounds and above. So in all it comes to Three Thousand Five Hundred Pounds; out of which, (being deducted for Fees, and Pensions, and other Duties and Charges, One Thousand Pounds) there came last Year, clear to the King, Two Thousand Five Hundred Pounds.

SIR *Giles Mompeffon* answereth, that they have licensed in *Bath* but Nine Inns; and that there were Thirty Inns and Alehouses, which have Stables for to set Guests Horses in, before they meddled with that Town: and there cannot be less than nine Inns; for there are sometimes in *Bath* Fourteen Hundred Horses all the Spring and Fall.

A LETTER, from Sir *Giles Mompeffon* to Mr. *Drake*, a Justice of the Peace in *Devonshire*, concerning one *William Quick*, who was suppressed from keeping an Alehouse in that County by the Justices of Peace there; because that (besides that he kept continued Disorder of Drinking in his House and Whores) he once plotted Murder in his House; as, the Justices certified to Sir *Giles Mompeffon*, was proved before them. Yet Sir *Giles Mompeffon* licensed this Fellow, and, because Mr. *Drake* who dwelt near him troubled him, and endeavoured to make him fly that Place, he complained to Sir *Giles Mompeffon* against the said Mr. *Drake*: whereupon Sir *Giles Mompeffon* wrote the Effect of this Letter to Mr. *Drake*; "That he  
"wondered he would so discourage his Majesty's  
"Tenants; and, had it not been for the respect of  
"his Alliance with him, he would take another  
"Course with Mr. *Drake*, as he had done with  
"others:

“ others: if *Quick* carry not himself well, and as  
 “ he ought, he would do that to him, which lieth  
 “ not in the Power of a Justice of Peace; but he  
 “ may not give Way to the Will of every Justice  
 “ of Peace, in Derogation of his *Majesty's* so just  
 “ and great Benefit; for there is no Proportion in  
 “ my Love to any Friend or Kinsman, that can  
 “ equal the Respect I bear to his *Majesty's* Service  
 “ and Trust.”

MR. *Hackwell*. That by the Book appeareth there hath passed, within these three Years, Twelve Hundred Licenses, and above; which, at Five Pounds a License, comes to Six Thousand Pounds. And then it may easily be judged of how much this Patent hath robbed the Country; if every one pay as those two did, that Sir *Edward Giles* mentioned, who paid Thirty Pounds apiece.

SIR *George Vane*. That Mr. *James Thurban* said to one, that, if he brought a Certificate from any Gentleman, whether Justice of Peace or no, he should have a License.

Wednesday, February 21.

“ AN Act for confirming the Sale of certain  
 “ Lands sold by Sir *Edward Herne* unto one *Bevil*  
 “ *Molefworth*; and to enable the said *Edward* to  
 “ sell other his Lands in *Lincolnshire*.”

[To be Engrossed.]

“ AN Act for the repairing and maintaining of  
 “ the antient Haven, River and Channel in *Col-*  
 “ *chester*, and for paving of the said Town.—For  
 “ which to have a Tax upon every Hoy, Lighter,  
 “ Vessel and Croye; and also upon all such Goods  
 “ as Bays, Butter, Fuller's Earth, &c. which shall  
 “ be brought thither for these Fifteen Years, to be  
 “ paid to the Chamberlain of *Colchester*; and for  
 “ Non-payment it shall be lawful for him or his  
 “ Officer

“ Officer to distrain any of the said Boats, Hoys, “ &c.”—This Bill by Reason of the many Taxes, was much spoke against, but not rejected.

SIR *Edward Cooke*’s Report concerning the Patent for Inns.

THAT the Committee did resolve and adjudge it as an exorbitant Grievance. The Time of Prescription is Sixty Years.—That in this Patent there is a Clause commanding the Justices of Assize to subscribe all such as were licensed by the Patentees, for then the Parties were out of the Reach of a Justice of Peace: And this Patent was put in Print.

CONCERNING the Execution of this Patent, that was also judged a Grievance; for those whom the Justices of Peace had suppressed, were afterwards licensed by Sir *Giles Mompesson*. *Vendere jure potest emerat ille prius*, said Pope *Alexander*, when he had sold the Chalice. *Humores moti & non remoti corpus ledunt*; and this is a good Rule, as well in the Body Politick, as in the Health and State of every one’s natural Body.

SIR *Edward Sackville*. There is one Mr. *Sadler*, my Lord of *Worcester*’s Secretary, who hath a Note of all the Monopolies and such like Grants, whereof he is Collector and receiveth all the Benefit which comes to his Majesty. Ordered, that he shall be sent for to attend the Committee.

Sir *Edward Cooke* reporteth, that the Lord Chancellor hath delivered him in Writing the Heads both of his Speech to the King concerning Recusants, and of his Majesty’s Answer. There have been but Six Recusants licensed these Six Months.

(32) In 1<sup>o</sup>. *Elizabeth*, a Charter or Patent was granted to *Minchhead* in the County of *Somerset* to elect and send two Burgesses to the Parliament; on Condition to maintain a Harbour there: Afterwards (the Town suffering the Harbour to be decayed) in 6<sup>o</sup>. *Jacob*. a *Scire facias* was awarded out of the King’s Bench

*Burgesses in Minchhead.*



Bench, and thereon a Judgment was given, that the Charter was void in Law :—The Question was, Whether this Town should send any longer Burgesſes to the Parliament or no ?

SIR *Edward Cooke*. That nothing can witneſs a Matter of Right given by Record, but a Record.

MR. *Hackwell*. That it was enacted 7. *H.* 4<sup>th</sup>. that all Returns of Burgesſes ſhould be certified into the Chancery. And it appears by the Clerk of the Crown that no Burgesſes were returned from *Minehead* before 5. *Elizabeth* ; and therefore that Town has no Right but by their Patent, which being void, they could not chooſe or ſend any more.

SIR *Edward Cooke*. That a Nobleman cannot teſtify himſelf to be Noble but by Record ; and that muſt be that he hath been called by Writ, or by Patent into the Parliament. But it is clear that Burgesſes may be ſent into Parliament either by Preſcription, or by Writ, or by Charter, or Patent.

L. 1. “ AN ACT concerning Apparel and for the Waſte  
“ and Expence of Gold and Silver.”

By this Act none are to wear Cloth of Gold or Silver, nor any Gold or Silver Lace, either for themſelves, their Servants, or on their Coaches ; ſaving only Knights on their Spurs. If any offend herein, the Mayor and Officers of any Town are to ſeize the ſame ; and they who ſeize the ſame are to have one Moiety, and the other is to go to the Poor of the Town where it is ſeized : with a Proviſo, that this Act ſhall not extend to the King's Wife, Sons, Daughters, &c.

A MAN may by Order of the Houſe ſpeak againſt the Body of a Bill at the firſt reading ; but none ſhould then ſpeak againſt a Part of the Bill.

MR. *Towerſon*. There is imported into this Kingdom in Cloth of Gold and Silver, and Gold and Silver Lace, between Forty and Fifty Thouſand Pounds *per Annum* ; and that ſuch Merchandiſe is the principal

cipal Return and Pay they have for the Woollen Cloth and other Draperies that are vented out of this Land; and, if it be prohibited to bring in any Cloth of Gold and Silver, &c. then will our Woollen Cloths lie upon our Hands.

The Wool of this Kingdom is nine Parts of ten of the Commodities that this Kingdom yields; and that which enricheth this Land.

*Master of the Wards.* That we are not in the Way to do the King's, that is, the Kingdom's Business. I proposed three Heads: 1. Justice; 2. Trade; and 3. Patents: And I could wish that three several Days may be appointed for these three Businesses; and what is handled in the Morning may be reduced to one of these three Heads, and so to be handled in the Afternoon; and the other three Days to be spent on special Committees.

*Wednesday, February 21.*

COMMITTEE. Concerning Complaints of Courts of Justice.

THE Order of the House is, if a particular Man desire that his Grief should be heard and remedied in this House, that he must prefer a Bill to that Purpose into the House.

It is ordered, that a Sub-Committee shall receive all Petitions concerning Complaints of Courts, and certify the House of all such as are worthy the Consideration of the House.

CONCERNING the Patent for Forfeiture of Recognizances for Alehouses. *Patent for Alehouses.*

WHOSOEVER is bound in a Recognizance, and forfeiteth the same, yet is not the Recognizance to be certified, as forfeited, into the King's Bench, until the Party be convicted of Forfeiture of his Recognizance at the Quarter Sessions. This Patent is granted unto Mr. *Dickson* one of this Lord Treasurer's Secretaries; and to one Mr. *Alman*, Servant to

to this Lord Chancellor ; but only for the Use of Sir *James Spencer*, Mr. *Christopher Villars*, Sir *Robert Maxwell*, and Mr. *Maule*, all Courtiers ; and for their sole Profit and Behoof.

THERE is granted by this Patent the Forfeiture of all Recognizances for Alehouses ; and as soon as any Alehouse-keeper is entered into Recognizance, these Patentees send for to have the Recognizance certified, (which should not be until the Party be convicted for forfeiting the same ) and then they presently make Informations against them ; and the first Process that they usually send forth is an Attachment ; and so they sue the Party on the Forfeiture.—All Recognizances are Ten Pounds the Principal, and Five Pounds apiece the Two Sureties.

THIS Patent was referred to the now Lord Treasurer, then Lord Chief Justice, Lord *Hobart*, Sir *Henry Yelverton*, and Sir *Thomas Coventry*, or any Two or more of them.

MR. *Dickson* seems to be a Stranger to all the Business, and never received any Profit by it.

THIS Certificate came only from the King's Council, albeit it was referred to the Two then Lord Chief Justices, as well as to the King's Council.

ALL Recognizances are usually removed by Writ of *Certiorari* unto the King's Bench.

*Vaughan*, named the Solicitor of this Business for Alehouses, saith, that these Patentees sent forth Committees into all Shires of *England* to compound with all such as were bound in any Recognizance ; and, if they would not compound, then the Committees should cause such as refused, to appear in the King's Bench, where an Information should be exhibited accordingly against them.

HE saith further, that Sir *Francis Michell* is acquainted with all the Proceedings and Process that have been awarded forth concerning this Business.

THE Committees are bound to be truly accountable to the Patentees for all the Impositions they make ;

make; and according to certain Instructions (which were annexed to their Commission, or delivered them with their Commission) they were to take of every one they compounded with, Forty Shillings, or Fifty Shillings, a Man, according as the Ability of him that they compounded withal; and then they took about One Hundred and Sixty Pounds, one Month with another, for the First Year: The Second and Third Years they took but Twenty-five Shillings of a Man; and less now in these latter Times.—He farther saith, one *Melton* was the first Projector in this Business; and Sir *Francis Michell*, a Justice of Peace, is the only Council that has been used about this Patent.—The Lord *Hobart* did not certify on this Reference; but the Lord Chief Justice *Mountague* did; but it was no more than the House thought good and honourable.

Thursday, February 22.

“ AN ACT for the transferring of divers Lands,  
 “ &c. conveyed in Trust by the Lord *Montague* un-  
 “ to Sir *Francis Inglefield*, Lord *Dormer*, and Sir  
 “ *John Dormer*, unto Sir *George Moore*, Sir *John*  
 “ *Walter*, and Mr. *Thomas Spencer*; and that the  
 “ other former Feoffees be discharged of all Actions,  
 “ &c. that may arise by Means or Occasion of the  
 “ former Trust.”

“ AN ACT for making the River of *Way* alias *Wye*  
 “ in the County of *Surry*, running from *Guilford*  
 “ Bridge to *Way* Bridge, navigable for Vessels of a  
 “ reasonable Burthen.—This to be done by taxing  
 “ of the Hundreds of *Woking* and *Blackbeath*, and  
 “ to be taxed by certain Commissioners, who shall  
 “ have Power to distrain for the said Taxes; and to  
 “ make Laws and Orders for the maintaining of the  
 “ said River.”

“ AN



“ AN ACT for Explanation of one Clause or Proviso expressed in an Act made in 13<sup>o</sup>. *Elizabeth*,  
 “ entitled An Act for preventing of Dilapidations,  
 “ or concerning Leases made by any College or  
 “ any Spiritual Promotion. [*Rejected.*] [*Vid. fol. 77.*]

L. 1. “ AN ACT to repress Drunkenness, and to restrain  
 “ the inordinate hunting of Alehouses, Inns, and  
 “ other Victualling Houses.”

THE Party offending against this Act is to pay Five Shillings for the first Offence; and for the second to be bound to the good Behaviour: And the Proof of one Witness upon his Oath shall be sufficient to convict any one offending against this Act. And any Alehouse to be put down for Three Years where such Drunkenness shall be.—The Offender's Testimony on Oath shall be sufficient to convince any other of this Crime.—This Act maketh the Acts of 1. and 3. *Jac.* concerning the repressing of Drunkenness to be perpetual.

“ AN ACT for the naturalizing of Sir *Stephen Lezure*, Knight, born in the free City of *Geneva*.” He was heretofore made a free Denizen.—This Bill came from the Lords into our House first.

IT is ordered, that the Sub-Committee for Complaints against Courts of Justice shall have Power to send for any to inform them, such as they shall think fit.

No Member of the House may speak of a Bill that hath been read in the House, holding the Bill in his Hand.

A MAN needeth not to have his Clergy, if he be not indicted for above Seven Pence; for a Man may not have his Clergy but for what he may lose his Life.

Concerning  
the Patent  
for Alehouses.

SIR *Edward Cooke*'s Report, concerning the Business of Forfeiture of Recognizances of Alehouses, faith;

THE

THE Statute of 5. *Edward* 6. doth give Power to Justices of Peace to erect Alehouses, and to take Recognizances of all Alehouse-keepers to keep good Order in their Houses, &c. and that the Forfeiture of these Recognizances shall be heard and tried in the County, before the Justices there at their General Sessions.

SINCE this Patent there hath been more Disorder in Alehouses than ever there was; because the Power of punishing for the Forfeiture of Recognizances is taken from the Justices, who are by this Patent to be aiding to the Patentees or their Deputies. There is also in this Patent Commandment given to the Judges of the King's Bench to send forth *Certioraries* to certify all Recognizances thither, whether forfeited or not. And to strengthen this Patent, a Proclamation is granted forth; because such as refuse to obey the Proclamation shall be brought into the Star Chamber.—These Patentees deputed by Commission certain Committees in every County for this Business; to whom they gave Order not to take for any Composition above Forty Shillings of an Alehouse-keeper, and of those that should refuse to compound, to be bound to answer it in the King's Bench at *Westminster*.

SIR *Dudley Digs*. That the Number of Justices <sup>Justices of Peace.</sup> of Peace is so great, that, whereas there were not wont to be above Eight in a Shire, there are now, to his Knowledge, three in a Parish; nay, two in a Household in some Places; and that it makes the Office of a Justice of Peace contemptible;—that contemptible Persons (whereof there are many) are put into Commission; and the Number of Justices is so great, that there is almost no Matter or Business wherein a Justice of Peace hath not a Hand.

*Master of the Wards* secondeth this Motion; saying, it is a great Abuse to the Country; and wisheth that it may be looked into, to see what Number of Justices of the Peace were in the End of the Queen *Elizabeth's*

*Elizabeth's* Time ; and how much they are now increased ; and that there may be a Petition to the King, or any other Course taken to have them again restrained to the like Number that they were then.

MR. *Alford*. That we have good Laws to punish such as observe not *Lent* and Fasting Days ; let us hold ourselves to them : Now there is a Proclamation which is only to draw Offenders into the Star Chamber, where the Censure is heavy ; and there are but few poor Men but are undone, if they are sued there. He desireth that the House will consider of it ; and that the Punishment of such as break *Lent* may be according to the Statute ; for otherwise, what do we here to make Laws. And the Fear of this heavy Punishment makes Men sell their *Lent* Provision very dear, as Herrings, Butter, Cheese ; and besides there are many that cannot eat any of these Meats, or any Fish.

THIS was seconded by Sir *James Parrett*.

MR. *Glanville*. That a Petition be made to the King, beseeching that no Proclamation may go forth to private Men's Uses.

MR. *Crew*. That Proclamations are sometimes warranted by Statutes, and the King may also by his Prerogative grant a Proclamation ; but, where a Proclamation is accompanied or strengtheneth a Grievance, there it presseth very heavy on the Subject : and agreeth and speaketh as Mr. *Alford*. And would have expressed in a Petition to his Majesty, that, where there is a Penalty by Law, that there may not be a heavier laid on the Subjects ; as these Proclamations do lay, because the Breach of them is only punishable in the Star Chamber.

SIR *Samuel Sandes*.—This so strict Prohibition of eating Flesh doth but raise the Prices of Licenses, which are now Six Pounds or Eight Pounds apiece. —He would, that in the Petition to his Majesty it should be beseeched, that he would be pleased not

to press Proclamations, but where Necessity of State enforceth.

SIR *William Stroude*. That the Proclamations not to speak against the Lottery for *Virginia* may be also recalled.

*Master of the Wards*. That Proclamations are obtained of the King, as the Patents, which are Grievances, are: and, if there be any Grievance in any particular Proclamation, that that Grievance may be petitioned to the King to be amended.

THE Clerk is ordered to bring in all the Bills of Grievances that were presented in 7<sup>o</sup>. *Jac.* and at the last Convention; and also all the Bills of Grace that were presented at those Times and are contained in a Schedule.

It is ordered, that the Patentees for concealed Tithes, and those who are commissioned by them, be here *Monday* next. Sir *John Wentworth* is he to whose Use the Patent is, and who procured the same; but took the Patent in the Name of one *Sparrow*, and *Sparrow's* Son's Name.—The Deputies and Officers or Agents in this Patent, one *Boys*, *Burrows*, *Dubbitot*, *Christmas*.

MR. *Hackwell*. There are Precedents, that on a Complaint of a Prisoner by Petition to this House, the House hath given Order to the Speaker to send a *Habeas Corpus* to bring him hither, that we may hear his Complaint.

\* *Saturday, February 23.*

“AN + Act for the County Palatine and City *L. 1.*  
“of *Durham* and four other Towns there to have  
“Knights and Burgeses of the Parliament.” By  
this the County to have two Knights; the City of  
*Durham* two Citizens; the Borough of *Barnard Castle*  
is to have two Burgeses.

\* So in the MS, but it should be *Friday*.

† [Passed our House.]

F

“ AN



- L. 1. " AN Act to enable *William Twisden*, Gentleman,  
 " to sell Lands for the Payment of Debts, and Por-  
 " tions for younger Children."

MR. Secretary reporteth, That his Majesty hath commanded the Justices of Peace of *Middlesex*, on the Complaint of both the Houses of Parliament, that they use all Diligence to find out what Recusants are about this Town; and to require those who are unlicensed to repair to their Houses; and to certify those who have Licenses, that their Licenses may be considered of, and how and by whom they were granted.

SIR *George Moore's* Report concerning Privileges and Reports.

Mr. Mann's  
 Case of West-  
 minster.

THAT at *Westminster* Sir *Edward Villars*, and one Mr. *Doubledee* were elected Burgesses for that City; and accordingly an Indenture signed by the Freemen of the City to the Bailiff. Now, before the Bailiff had returned the same Election and Writ and Indenture to the Sheriff, Mr. *Doubledee* died; on whose Death (the Writ and former Return remaining in the Bailiff's Hands) he appointed another Day for a new Election of another Burgess on the same old Writ; when Mr. *Mann* was chosen and returned by Indenture to the Bailiff, and by him to the Sheriff, who accordingly returned him into the Crown Office. Now, on the Complaint of the Freemen of the City of *Westminster*, it grew to a Question, Whether this new Election on the old Writ be good and lawful or no? And a Day hereon is given till *Monday* next, when Mr. *Mann's* Council are to be heard in the House.

AT *Sandwich* the Commons complain, that they (35) were excluded from their Freedom of Election.—*Thursday* is given to hear this Business more at large.

SIR *Edward Cooke*.—On the Patent of Alehouses, concerning the Execution of the Patent.

Sir Francis  
 Michell's  
 Case.

SIR *Francis Michell's* Petition to the House, That he was no Projector; that the greatest Men of the Law had certified it: so much for Judgment. That the

the King had done it by Patent: so much for Authority. That himself objected all that might be against it: so much for Assurance.

SIR *Edw. Cooke.* *Integer vita Scelerisque purus*  
*Non eget Mauri jaculis neque arcu*  
*Nec venenatis, &c.*

Michell *Pharetra.*

A REPORTER'S Duty is not to discourse, but to relate *veritatem facti.*

Michell is *vir multarum artium*, he hath played many Parts.

1. HE was at first of Council in the Project. 2. A Dividend, for he had a Share out of what was gotten by this Patent. 3. He was a Secretary in the Project; for he penned all the Letters and Instructions for the Committee who were employed in this, and set down how much they should take of one Man, how much of another. 4. He hath used *sanctum et venerabile nomen Regis* for his own private and unjust Ends. 5. He is a Justice of Peace. *In omni re nascitur res quæ rem extinguit*: he hath been the Moth of the Justices of Peace, who hath eaten into the Reputation of them; and scandalized the Dignity of that worthy Office.

A LETTER subscribed by others, but confessed to be penned by Michell, and sent to the Deputies employed in this Business. "That the King granted this Patent to Mr, *Dickson* and *Alman*; who were to have one Moiety of the Gain, and the King the other.—That his Majesty takes special Notice of this Business, and that the King will take it as an acceptable Service that all Mayors, Justices, &c. do give their best Furtherance herein."

Michell is a Justice of Peace, and (as he boasted himself a little before the Parliament) he is also one of the Lieutenant's Deputies for the Shire; one of the *Quorum* in the Commission for the Peace; and said withal, What is any Man that I am not?

ONE *Ivy* and another, both lewd Fellows, who were Committees for this Business in the Counties of *Southampton* and *Berkshire*, gave One Hundred Pounds apiece for each County; and yet they could not be admitted to have this Commission before they had agreed to give Sir *Francis Michell* Twenty Pounds apiece, whereof they 'gave him Five Pounds in Hand, and Bonds for the rest; upon their Demand of their Bonds and Money (hearing that this Patent was like to be overthrown) *Michell* gave them back their Bonds, but retaineth still their Money.

THAT *Michell* hath no Freehold, and therefore by the Law ought not to be a Justice of the Peace, albeit he hath been so long.

SIR *Edward Cooke*. That he is unfit to be a Justice of Peace; and that he should be declared unworthy, and disabled to be of that Commission:—That he should make Restitution to all of whom it can be proved he hath received any Thing for this Business:—To be sent to the *Tower* until he be put out of Commission; and until he hath made an humble Submission here at the Bar on his Knee.

MR. *Welson*. That he should be disabled for ever to be of any Commission whatsoever;—To be degraded from being a Lawyer.

MR. Secretary agreeth to have him sent to the *Tower*, and for the rest of his personal Punishment;—and that he should make Restitution to the Ale-house-keepers, but not to the Committees employed by them in the Counties; for that they had a Finger in it.

Mr. *Brooke* agreeth with the Lord *Cooke's* Censure; but would have him sent to the *Tower* through the Streets with a Paper in his Hat, for Example, to shew the Cause of his sending to the *Tower*.

SIR *George Chaworth*. That he may have only the Title of an Ale-Knight; and that it may be so expressed in the Order for his Punishment.

SIR

SIR *Thomas Wentworth*. That he may be exempted out of the General Pardon.

SIR *Dudley Digs*. That, since he hath abused the King's Prerogative, he would have him fined and go to the *Tower* for Example, as Mr. *Brooks* expressed.

MR. *Hackwell*. That this House may fine him.—That the Mayor of *Westbury* in *Wiltshire* for taking Five Pounds of one *Long* to procure him to be elected Burgeſſs there for the Parliament, (who after ſo carried himſelf in the Houſe, that he was taken for a Lunatic) The Mayor, being ſent for, was here fined, and ordered to make Reſtitution to *Long*; and a new Burgeſſs, by Order of the Houſe, was to be choſen. And that one Mr. *Hall*, for writing a Book againſt the Privileges of the Houſe, was alſo fined in One Hundred Marks.

QUESTION—Was by a general Voice cenſured, and ſo ordered; “ That he ſhould be held unworthy “ to be a Juſtice of the Peace; and be declared “ diſable and unworthy to be of that Commiſſion, (36) “ or any other whatſoever. To be ſent at Two of “ the Clock in the Afternoon to the *Tower* through “ the Street on Foot.”—He was pardoned to have any farther Punishment, in Reſpect of his Father's Worth, who was Secretary to *Walsingham*, and ſuffered much for Religion in Queen *Mary's* Time, and was then held to be a very honeſt, religious Gentleman: And ſo *Michell* was called to the Bar to hear his Sentence on his Knee.—After Sentence paſſed he deſired to be heard, but it was denied.

MR. Chancellor of the Dutchy. That he might be heard after Judgement, ſo as it be an humble Suit; or any thing not concerning the Sentence given by the Houſe.

SIR *Edward Cooke*. That he ought not to be heard after Judgement: And ſo it was agreed by the Vote of the whole Houſe.



Friday, February 20.

COMMITTEE. Concerning the Wool Staple.

Concerning  
the Staplers  
of Wool.

SIR Edward Cooke. That by the Statute of Edward 6. none can buy and sell again Wool in *England*. Which Statute by the Patent of Staplers is dispensed withal.

MR. Noye. That there are not above Twelve or Thirteen Counties in *England* wherein any great Quantity of Cloth is made; and of these there are but Three principal Shires whose chief Commodities lieth on Wool; and those are *Wiltshire, Southampton, and Gloucester*. If all Men have Liberty to buy and sell Wool by the Law, then may every Man engross; and, they being of no Corporation, their Fraud cannot be so soon found out, and punished.

On the other Side; if this be made into a Corporation, then may there be amongst them of that Corporation a Conspiracy, that they will buy but when they list: so as the best Course is, that none but the Clothier shall buy for a certain Time, (as until *All-hallowtide* or *Christmas*, as shall be thought fittest) and after that Time it shall be lawful for any one to buy and sell again in *England*; but for no Man to transport: For this is a Position of State infallible, "that it is best for the Commonweal to have Wool " bear a good Price."

THIS Patent of Staplers is granted to the Earl of *Kelly*, and one Mr. *Guyn*, and some others; who are of the best of the Merchants of this Town.

THE Chief Agents in this Patent are one *Mole* and *Uvedall*. They stand upon the Statute of 3 and 15 *Elizabeth*.

MR. Mole. That all Corporations of *England*, make Use of their Liberty and Privileges, and take Money to admit others into their Company. That some, of the One Hundred Men that have been admitted into the Company of Staplers, have paid One Hundred Pounds for their Admittance; others Fifty Pounds;

Pounds; others Forty Pounds; Twenty Pounds; and some but Ten Pounds.

The Staplers all deny utterly to have transported beyond Seas any Wool.

PETITION of *Kent*. That the Cause they vent not their Cloth is, that the Merchants buy it not; and the Merchants complain, that the Impositions are so great that they cannot give so much for it; and that there is so much Wool and Fuller's Earth transported: and the Petitioners say, one other Cause they make no more Cloth is, that they are restrained from buying of Wool; and the Abuse that other Countries make their List so, that the Credit of their Cloth is much impaired beyond Sea:—That the dyeing Stuff is high-priced, which is caused by those that bring in the dyeing Stuff, which they engross and sell at unreasonable Rates and Prices; and that there is a Patent for the sole buying of dyeing Stuff, as Red Wood or *Guinea* Wood, which Sir *Humphry Slany* and other Patentees have.

*Daniel Barnard*, a Clothier of the County of *Somerset*. That Twenty-four Pound of Wool, as it is bought of the Grower, will go farther in the making of Cloth, than Twenty-eight Pounds that comes from the Stapler. The Staplers gave Twenty Thousand Pounds for their Patent. The Merchants say, that, whereas they were wont to vent Eighty Thousand Cloths, they sell not now above Thirty Thousand Cloths.

THE new Company of Merchants Adventurers gave for their new Patent, Seventy Thousand Pounds.

THE *Spanish* and *Turkish* Companies (who were wont to buy many Cloths of the Clothiers) are now gotten into the *East India* Company; which indeed robbeth us of our best Mariners, and much good Merchandise.

The Staplers say, that Lord *Kelly*, for procuring of this Patent of the Wool Staplers had the sole Nomination of Four Hundred Men; for which he hath received

received One Hundred Pounds apiece for their Admittance.

THE Opinion of the Committee is, that this Patent of the Staplers, accompanied with the Proclamation, is a great Grievance.

*Saturday, February 24.*

(37)

“ AN \* Act for the Confirmation of Copyhold Estates in the Manor of *Stepney* and *Hackney* in the County of *Essex*, according to certain Customs expressed in an Indenture made between the Copyholders there, and the Lord *Wentworth*, Lord of the said Manor of *Stepney*; and for Confirmation of the said Customs according to a Decree in Chancery. *[Passed at the third Reading.]*

“ AN Act for the Repair of the great Road or Highway to *London* between *Beglesworth* in the County of *Bedford*, and *Baldock* in the County of *Hertford*.”—This Bill was cast away, because it was a Tax upon all Passengers, thereby favouring of a Monopoly.

It is ordered that no Process concerning the Patent of Alehouses shall be executed.

*Candishe Sanderson* is called the Attorney General for this Business of the Alehouses; and one *Vaughan* is the Registrar of the Alehouses.

THERE are in *England* and *Wales* Fifty-two Shires, (just so many as there are Weeks in a Year,) and in every Shire, one with another, Five Hundred Alehouses.

L. 1.

“ AN † Act of Explanation of a Branch of a Statute of 3. *Jac.* entitled An Act for the better discovery covering and repressing of Popish Recusants.”

By this all Leases made of the two Parts due and forfeited to the King of any Recusant's Estate, to

\* *[Passed our House.]*

† *[Passed our House.]*

the

the Use or for the Benefit of any Recusant, shall be void.

ALL such as have such Lease or Leases, and do not discover it within three Months, shall pay a Year's Value; and all such as so discover it, shall have for their Encouragement a Year's Value of the Land which he discovereth to be so held in Trust.

No Man committed from this House to the *Tower* (it not being for Felony nor Treason) is, by the Privilege of the House, to pay any thing for his Irons.

SIR *Edward Cooke*. That private Bills are used but of late; that heretofore there were wont to be but very few of them; and they are to be suspected, unless the Owner, and all the Friends of the Party whom it concerneth be well known; and the Conveyances and the Matter seen and looked into; for much Prejudice may and often doth come and happen by these private Bills; and therefore would have none pass before they are committed.

PETITION of Sir *Giles Mompeyson*, wherein he confesseth, that he hath erred in the Execution of the Patent for Inns, both by his Letter, and otherwise to Justices of Peace; and confesseth, that so general a Patent cannot but be a great Grievance to the Subject: prayeth the favourable Constrution of the House; to whose Censure he willingly submitteth himself.

THE Means that the Patentees used to punish those Innkeepers that refused to compound, were to sue them in the Exchequer on the Statute of *Rich. 2.* for gaining above a Halfpenny on a Bushel of Oats.

*Master of the Wards*. That the Referrees of all Patents of Grievances may be considered of and examined, for his Majesty's Honour, who by them hath been abused.

SIR *Edward Cooke*. That there is a Patent of general Remembrancer of all the Courts of *England*, to register all Fines, Recoveries, Judgments, &c. and

in



in the Ecclesiastical Courts, he registers all Wills, Inventories, &c.

THIS Patent of *general Remembrancer* was a Project of one *Farrer's*, and was dying, and is now on a new Reference to give Life into it again.

It is ordered that Mr. *John Farrar* shall bring on *Monday* next, at Two of the Clock in the Afternoon, this Patent, the Proclamation on it, his Book; and whatsoever else concerneth this Business.

A COMMITTEE is appointed to examine the Cause of the falling out of Mr. *Leech* and Mr. *Thomas Markham*; because the House was acquainted that *Markham* struck Mr. *Leech*, because he told *Markham*, he were better be in the Country, than here about the Town; this *Markham* being a notorious Papist.

MR. Solicitor offereth the Bill of Limitations of Actions and Suits in Law, which the Committee hath amended: But on a Motion of a Member of the House (desiring further Time to prepare to speak to it) it was delayed until *Tuesday* next.

WHOSOEVER doth except against any Member of the House, for Matter of Indifferency, (being named of any Committee, or otherwise) is by an ancient Order of the House to be called to the Bar to abide the Censure of the House for it.

WHOEVER speaketh against the Body of a Bill, may not, by Order of the House, be of the Committee for that Bill.

It is ordered, that the Master of the Wards shall go with a Message to the King, humbly beseeching his Majesty from the House, to command a present Stay to be made of the running Lottery (which was allowed for the Benefit of *Virginia*) which is now going down into the Country.

MR. *Dickson* and Mr. *Alman* are commanded by the House, that they take present Order to signify <sup>(3)</sup> forthwith to all Sheriffs, that there be no Execution of any Process concerning Alehouses.

COMMITTEE.

Saturday, February 24.

COMMITTEE. Concerning the Cause of the Decrease of his Majesty's Revenue in the Forfeitures of the two Parts of Recusants Estates.

SIR James Parrett. That in 43 Elizabeth her Majesty's Revenue by the Forfeitures of two Parts of Recusants Estates, came to Eighteen Thousand Pounds *per Annum*; and that now it is not above Six Thousand Pounds *per Annum*.

SIR Henry Spillar. That it was never above, or very little above when it was at most, the Sum of Nine Thousand Pounds. And Sir Edward Wender saith, that in some Years her Majesty's Revenues of Recusants' Estates were not worth above Ten Thousand Pounds.

SIR Henry Spillar affirmeth very confidently and discreetly, that in 43 Elizabeth her Majesty never had above Nine Thousand Pounds *per Annum* for two Parts of Recusants Estates: but admit it to be Ten Thousand Pounds *per Annum*, the Cause of the great Decrease is thus in Effect.—In the 1<sup>o</sup>. and 2<sup>o</sup>. of the King, there was no Process went forth against any Recusants; but in 3. and 4. Commissions were granted to the Lords to nominate and rate the Value and Prices of Recusants Estates, (for a Reason of State best known to his Majesty) and these Lords had Power to raise or diminish the Rates of the Revenue of Recusants Estates; and did grant Leases of their Estate to Papists or others, as they thought fit: And that in 7 Jac. when the Lords took the Composition, the Revenue was raised to Eleven Thousand Pounds. That the King did assign to divers of his Servants his Majesty's two Parts of the Revenue and Estate of Recusants; to One Man Two Recusants; to another Four Recusants; to others Twenty Recusants; and to others Fifty Recusants; and that, whereas there was due to his Majesty Two Parts of Three of the Recusants Estates, his Majesty

jeſty out of Grace commanded there ſhould be taken but a Third Part: And that from Grants of the Eſtates of ſome particular Recuſants, his Maſteſty came to grant his Interests and Two Parts of Recuſants Eſtates in whole Shires: And this is the Cauſe of the Decrease of his Maſteſty's Revenue in this Sort.

SINCE 1. *Jac.* there are ſo many Papiſts conform- ed, as the King's two Parts of their Eſtates amount- ed to Seven Thouſand Pounds. And by Death of others, whoſe Children are conformable, the King's Revenue is in this decreased more Four Thouſand Pounds *per Annum*. And further, there is decreased by Diſcharge out of his Maſteſty's Grace Ten Thou- ſand Pounds: And were beſtowed on Servants Three Thouſand Pounds *per Annum*. So that there is diſcharged ſince 1. *Jac.* Twenty-four Thouſand Pounds *per Annum* that his Maſteſty had, or might have had by the Law, out of the Recuſants Eſtates.

THERE were certified out of *Lancaſhire* Eighteen Hundred Papiſts: of theſe there were Recuſants in Queen *Elizabeth's* Time, Nine Hundred; the moſt of the reſt very poor Men, and not able to pay any thing. Inſomuch as Commiſſioners being ſent down to value their Eſtates, they certified that their Eſtates in Lands were but Fifty Pounds; and in Goods, but Forty Pounds.

THAT his Maſteſty, underſtanding that the Num- ber of Recuſants increased, and that his Maſteſty's Revenues decreased, was pleaſed hereon to grant forth a Commiſſion to inquire of the Cauſe of it; and it was certified to his Maſteſty, by the Commiſ- ſioners, that all or the moſt Part of his Maſteſty's Revenues out of Papiſts Eſtates was granted by Pa- tents.

THERE are now depending in the King's Bench Eleven Hundred Informations, and Six Hundred in the Exchequer; but nothing or very little is done or proceeded on theſe Informations; ſo that by them there

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there is not come to the King above Two Hundred Pounds as yet by all of them.

MR. *Farrington*, Under-Sheriff of the County of *Essex*. That there were granted forth, by Sir *Henry Spillar's* Means, Three several Writs of *Fieri facias* to levy Four Thousand Pounds of the Lands and Goods of Recusants in that County of *Essex*; viz, on the first Writ there was charged about One Thousand Pounds; and to this Writ there was a Schedule annexed, how and of whom it should be levied; and under the Schedule was subscribed a Caution, that the Sheriff should not levy the Money, but take Bond of the Parties to pay or discharge the said several Sums mentioned in the said Schedule; and this Caution was subscribed by *Henry Spillar*; and this Writ was sent forth 12 *Jac*.

THE second Writ was charged with about Two Thousand Pounds; and some Sums on this Writ were discharged by *Supersedeas*; some by Pleas; and some by other Means, which this Sheriff knoweth not of.

THE third Writ was charged with about Five Hundred and Forty Pounds: there was levied on this Writ Two Hundred Pounds in Money; and some other was discharged other ways, and Bond taken for the rest.

39) THERE was one *Wiseman*, who, being indebted to the King for his Recusancy Four Thousand Seven Hundred Pounds, procured a Pardon for it; and afterwards also compounded with the King, for One Hundred and Forty Pounds Rent *per Annum*, in Consideration of all his Lands and Goods.

SIR *Edward Cooke*. That there is no Debt that is due to the King, but it must be paid down in Money; discharged by Verdict; discharged by Confession of the King's Attorney General; by Demurrer in Law; or by Pardon from the King.

Sir *James Parrett*. That Sir *Henry Spillar* brought an Action against one *Grimston*; and would not discharge



discharge him until he had entered into Bond of One Thousand Pounds never to inform against Sir Henry Spillar again: And one *Heton* was bound in the like Manner by Sir Henry Spillar.

SIR Henry Spillar shewed a Confession under the Hand of the said *Grimston*, for that he was heartily sorry that he had so much wronged and scandalized him, and traduced his Name; for which he cried Mercy of him, and promised by any lawful Means to rectify his Reputation again what in him lay. And Sir Henry Spillar shewed the like Confession and Submission under the Hand of *Heton*, who (as was testified by many in the House) stood under the Pillory for his Misdemeanor against the Court of Exchequer.

MR. *Glanville*. That one Reason why Recusants Estates are found less than they are in true Value, is because on an Inquisition for that Purpose, if the Jury find the Value never so little more than the Value is, then presently a Writ of Attaint lieth against the Jury; but, if they find it under the Value, then there is no Danger to them.

SIR Henry Spillar. That there are not now above Six Recusants that pay Twenty Pounds a Month to the King, according to the Statute: And there were, in Queen *Elizabeth's* Time, Seventeen that paid their Twenty Pounds a Month.

Monday, February 26.

- L. 1. " An \* Act for the perfect setting and confirm-  
 " ing of the Estates and Customs of the Prince's  
 " Highness Servants of the Manor of *Marget Fee*,  
 " and *Richmond Fee*, in the County of *Westmorland*."
- L. 1. " An Act for the free Trade and Traffick of  
 " *Welch* Cloths, Cottons, Frizes, Linnens, and  
 " Plains, in and through *England*, and Liberty to  
 " transport the same beyond the Seas."

\* [Passed our House]

" AN

"AN Act for the naturalizing of Sir Daniel De-  
 " *lign*, Knight, born in the free Town of Franck-  
 " *fort*." L. 1.

SIR *Edwin Sandys*. Concerning the Want of Mo-  
 ney.—He laboured to shew the Necessity of confi-  
 dering of this Point. And first beginneth to shew  
 the Want of the Husbandman and Handycraftsman;  
 the one cannot be set to Work, and, for the other,  
 the Looms are laid down almost every where; and  
 every Loom maintains in Work Forty Men; and so  
 many Men are now, for Want of Money in this  
 Kingdom, as it were turned out of the Inheritance  
 of their Hands.—The Want in the second Sort of  
 Men, *viz.* Yeomen; they likewise break their Con-  
 ditions, Covenants, and Bonds, not (Thanks be to  
 God) for Want of Fruits of the Earth, but for Want  
 of Money; and the Fairs also of the Kingdom are  
 at a Stand. The Want of Money in the third Sort,  
*viz.* Gentlemen; they by this Means want their  
 Rent. There is no Distemper like to that of Want,  
 which hath no Laws or Bounds.

SIR *William Herrick*. There was wont to be coined  
 Three Hundred Thousand Pounds *per Annum* for  
 Twenty Years together: and, since the *East India*  
 Company was set up, there hath not been coined  
 above Twenty Thousand Pounds *per Annum* in any  
 Year. That the Goldsmiths Trade, having been  
 incorporated these Four Hundred Years, is now, for  
 Want of Bullion and outlandish Coin, clean decayed:  
 That there was more Plate made in the seven last  
 Years of the Reign of Queen *Elizabeth*, than hath  
 been these seven Years last past, by much; and  
 therefore the Goldsmiths making of Plate is not the  
 Cause of Want of Coin; which, notwithstanding  
 the greater Quantity that was made in the late  
 Queen's Time than is now, was yet plentiful  
 enough.

SIR

SIR Edward Cooke sheweth, that there were two Things that principally concern and encrease Kingdoms and Commonwealths, viz. Soldiers and Money.

That there was coined from the 1 *Elizabeth*, unto 16 *Jac.* Nine Millions and a half of Silver and Gold. — Sheweth further, that there are Seven Causes of Want of Money and Coin in this Kingdom.

1. Money turned into Plate.
2. Gold *Folia* that is employed in gilding of Things.
3. Change of Money, or Silver being much undervalued by us here of that our Gold is; which was raised; and so was not our Silver; and also all our Money passeth at lower Rates here, than it doth beyond Sea in other Countries.
4. The *East India* Company; who had License to transport One Hundred Thousand Pounds at their first setting up; and albeit they do not, since that Time carry out of the Kingdom any more *English* Money, yet they intercept the Dollars and other Money that would otherwise come into this Kingdom, and bring in for it nothing but Toys and Trifles.

5. The Goods imported exceed the Goods exported, and therefore there must needs go forth of our Coin to pay for the Surplusage.

6. THE *French* Merchants for Wine carry forth Eighty Thousand Pounds *per Annum*, and bring in nothing but Wines and Lace, and such like Trifles.

7. THE Patent for Gold and Silver Threan, which not only wastes and consumes our Bullion and Coin, but hindereth the bringing of any into the Kingdom; which was wont to be so much as would yield Twenty Thousand Pounds *per Annum*. of good Bullion.

MR. Secretary addeth an Eighth Cause of Want of Money, and that is the great Number of Cattle that are every Year brought out of *Ireland*, for which much, and only Money is exported out of this Kingdom.

SIR

SIR John Strangeways. That there is One Hundred Thousand Head of Cattle brought every Year out of *Ireland*; which are here sold, some for Forty Shillings, others for Three Pounds apiece; and they that sell them will have no Payment for them but in Money.

SIR Edwin Sandys divideth the Causes of Want of Money in this Kingdom into three general Heads. — 1. The Want of Importation of Coin into the Kingdom. 2. The Abundance of Exportation of Coin out of the Kingdom. 3. The great Consumption of Money in the Kingdom. For the first, there was wont to come out of *Spain* a great Mass of Money, to the Value of One Hundred Thousand Pounds *per Annum*, for our Cloths and other Merchandises; and now we have from thence for all our Cloths and Merchandises nothing but Tobacco: Nay, that will not pay for all the Tobacco we have from thence, but they have more from us in Money every Year Twenty Thousand Pounds. So there goes out of this Kingdom as good as One Hundred and Twenty Thousand Pounds for Tobacco every Year.

There is an Ediſt at *Rochelle*, that none ſhall import any *Gascoign* Wines into their Town, until their own Country Wines are ſold; and yet we permit other Countries to import into our Kingdom foreign Corn, to the great Hindrance of the Sale of that which is grown here amongſt us.

MR. Crewe. That there is (as hath been alledged) a great Confluence of Causes of the Scarcity of Money; and *felix qui potuit rerum cognoscere causas*. I think, the Stock of Money that was wont to be employed out of the Bulk of the *Dutchmen's* Money is a great Cause of this sudden Damp and Scarcity of Money in the Kingdom. We have in Hand three great Businesſes of State, and for the Good of this Commonwealth. The first is to sweep the House of Parliament of the Monopolies. 2. To know the Cause



Cause of the Want of Money in the Land. 3. To look out the Bills of Grace; wherein his Majesty was graciously pleased to say, he would meet us more than half way.

SIR *Henry Poole* addeth, that one other Cause of Want of Money in this Kingdom, is, that there is so much of our Money conveyed into *Scotland*; and therefore wisheth some Course may be taken to prohibit that it be not transported thence beyond the Seas.

SIR *Dudley Digs*. That the *East India* Company doth not export above Thirty Thousand Pounds; and that the Cause that the Mint standeth still, is, that the State giveth not Valuation to Money.

MASTER of the Wards. That, if the Value of the Importation of the *East India* Company do exceed the Value of the Merchandises that are exported, then we may assure ourselves, (as also of all other Trafficks and Trades) that there hath been Money exported.

SIR *Edward Giles*. That the Year that he was Sheriff of *Devonshire*, and so almost every Year, there goeth out of *Devonshire* for Corn One Hundred Thousand Pounds *per Annum*; for there is not much grown in that County, which is very populous, by Reason of the Number that are set on Work there in making that Country Kersies.

SIR *Thomas Rowe*. That Money goeth here at so low a Rate, of that it doth in foreign Countries (and <sup>(41)</sup> foreign Coin being prohibited here) so that none can bring in any foreign Money hither, but he shall lose by it; which makes all such as come hither bring with them Bills of Exchange; whereas, otherwise they would bring with them Money: and most of these Strangers carry forth of this Kingdom's Money.

ORDERED, That a Committee of the whole House shall sit every *Tuesday* in the Afternoon to consider of the Causes of Want of Money, and that they shall have

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have Power to send for any Man or Books concerning this Business.

MASTER of the Wards' Report from the King, concerning the running Lottery for *Virginia*.

THAT his Majesty of himself did never like it, and will suspend it and utterly suppress it, if it be a Grievance to the Commonwealth; but his Majesty gave Way to it, because he was told, that *Virginia* could not subsist without it.

MR. Mann's Case of *Westminster*.

THAT on the Death of Mr. *Doubledee*, who was elected a Burgess for the City of *Westminster*, together with Sir *Edward Villars*, the Freeholders of the City of *Westminster* proceeded to a new Election on the same Writ; because it was not returned by the Bailiff unto the Sheriff before the Death of Mr. *Doubledee*: and then was Mr. *Mann* of *Westminster* chosen Burgess of that City. This Election being questioned, because it was on the same Writ that the former Election was, and that two Elections may not be on one Writ; it was resolved and ordered by the House, that this Election of Mr. *Mann* is [ . . . . ]; for that there may be two due Elections made on one Writ, it not being returned to the Sheriff.

MR. Mallett. In 36 H. 8. in the Lord *Lyer's* Reports of *Trewinion's* Case it is resolved, that an Election may be twice made on one Writ.

MR. Hackwell. *Electio perficitur una vice*: If they had chosen a dead Man, then it had been no Election, and they might have chosen another.

SIR *Edward Cooke*. That, before *Richard* the Second's Time, all Barons were called by Writ; now they are by Patent allowed to sit in the upper House. That it is no Election, until there be an Indenture signed; and there can be no Indenture, but it must have two Parts, and two Parts must sign it; and therefore the former Election was no Election, and this Election of Mr. *Mann* is good and lawful.

Monday, February 26.

Sir Giles  
Mompesson's Case.

COMMITTEE. Sir Giles Mompesson had a Patent for the Sale of Woods in the Counties of *Southampton* and *Northampton*. He hath one other concerning Inns and Hosteries. He procured, and was a principal Agent in that of Gold Thread. He had (as was confidently alledged by Mr. Noye) another ready for the Seal for the sole lincensing of Drovers and Badgers, that carry Corn, Cheefe, and such like Commodities from one Market to another. And he hath, in Consideration of these Projects, and of his Pains to reform divers Abuses in the Exchequer, and to discover Lands concealed from the King, a Grant under the Great Seal of Two Hundred Pounds *per Annum* for himself, of such Concealments as he can find out. In the executing whereof, he impannelleth a Jury here in *Southwark* to find Lands concealed in *Northampton*, *Leicester*, and other Counties, as far from *London*, and findeth an Hospital held of the King by the Dissolution of Abbeyes, but at Two Shillings, and an Advowson at Threepence; and many such like (which were never heard of to be found as Concealments) to the Value of above Forty Pounds *per Annum* at these Rates.

MR. Pye. That one *Mortimer* of the Chancery first taught Sir Giles Mompesson to send forth the *Quo Warrantos* to enquire of all old Inns and Hosteries.

SIR Giles Mompesson examined, saith, that he hath no Patent of Drovers, nor ever heard of, or thought on any such Patent. He confesseth, that he is a Commissioner for the King in the Patent of Gold and Silver Thread, only to look into it, and to reform the Abuses of it, and so are Twenty more; but denieth that he hath any Profit for it; and that he hath been a Commissioner but One Year.—That he was One of the Sixteen Patentees for making Sea Coal fit to make Iron. He confesseth further, that he

he and others had One Thousand Pounds for their Pains, and Travel, and Charges in felling Woods in the Counties of *Northampton* and *Southampton*.— That it is true, that his Majesty gave him Two Hundred Pounds *per Annum* of Land out of Charge or Concealments, which he should find out; but he will bring in his Grant of it, if it so please the House.

MR. *Farrar* is Patentee with Mr. *Friend* a Serjeant Office of General Remembrancer. at Arms, and Mr. *Miles*, a Clerk of the Chancery, for the Office of General Remembrancer.—Mr. *Farrar* was the Projector of this Patent.

(42) THIS Patent was referred the first Time to the now Lord Chancellor, and to Sir *Henry Yelverton* and Sir *Thomas Coventry*: And after it was again referred to be reviewed by the now Lord Treasurer, the Lord *Hobart*, Lord Chancellor that now is, and Sir *Henry Yelverton*; and these Referrees did certify this Patent was a Thing unfit to be granted, whereon the King by no Means would give way to it.

THERE is further granted to Mr. *Abraham Williams*, and Sir *Francis Blunden*, a Patent called a Patent of Pedlars. Patent for Pedlars; the Effect whereof is to license all Pedlars, Tinkers, Fidlers and such like wandering Vagabonds as were fit to go up and down the Country, and to suppress those that were unfit; and the Deputies of these Patentees did sue all such as would not compound with them, in the Exchequer; and those that would pay might have Licenses, be they what they would be.

It is ordered, that this Patent shall be brought in on *Friday* next by Sir *Francis Blunden*.

For the Patent of concealed Tithes Mr. *Sparrow* and his Son are but named Patentees, but it was granted to Sir *John Wentworth* and for his Use in their Names.



Tuesday, February 27.

- L. 1. "AN ACT for the Relief of Distillers and Makers  
 " of Aqua Vitæ, Aqua Composita, and other hot  
 " Waters in *London*, and the Suburbs thereof, and  
 " in other Places within Seven Miles thereof; who  
 " were impeached by a Patent made to the Apo-  
 " thecaries for the sole making of the said Waters."
- L. 1. "AN ACT for the free Traffick of Sea Coal, Stone  
 " Coal and Pit Coal, in the Counties of *Northum-*  
 " *berland* and *Durham*, acquitted and discharged of  
 " the Taxes of Twopence, Threepence, and Six-  
 " teen Pence, which the Town of *Newcastle* and the  
 " said Countries adjoining do impose on every Ton  
 " carried away from those Parts." By this no *Eng-*  
*lishman* shall pay any such Taxes or Impositions.
- L. 1. "AN ACT for Restraint in levying of Debts for  
 " common Persons, in the Name, and under the  
 " Prerogative of the King."
- L. 1. "AN \* ACT to enable the Prince's Highness to  
 " set or let Lands, Parcel of the Dutchy of *Corn-*  
 " *wall*, for three Lives or Thirty-one Years." This  
 came from the Lords.

Sir *Edward Cooke's* Report concerning Sir *Giles Mompesson*. That the said Sir *Giles Mompesson* was the Projector of the Patent for Inns and Hosteries, which Patent is a great Grievance to the poor Innkeepers and Travellers, and a disheartening to the Justices of Peace. He sued by a Writ of *Quo Warranto* those who have old Inns, and refuse to compound, and outlawed divers Hundreds before they had any Notice of it: And it is proved, that there were Three Thousand One Hundred and Twenty Innkeepers served with Process of *Quo Warranto* into the Exchequer by Sir *Giles Mompesson*, and of these

above

above Five Hundred put in their Plea, and not above two of all these ever came to Issue.

IN the County of *Southampton* Sir *Giles Mompesson* licensed above Sixty Inns, whereof Sixteen were Alehouses put down by the Justices of Peace for that County for Abuses and Disorders.

*Empson* in *H. 8.* Time did likewise outlaw poor Men, and would not permit them to have the Benefit of a Pardon, but he himself would fine and ransom.

SIR *Edward Cooke*. One *Nicholls*, a Deputy Purveyor to the King, for converting of that he had purveyed and took up for the King, and in his Name, to his own Use, was convented in Parliament and hanged.

IF any one accused for a Grievance do justify it in this House of Parliament, it is an Indignity to the House, and for this the House may send any one to the *Tower*.

IN 34 *H. 8.* one *Ferrisoll*, serving in this House a Burgess for *Plymouth*, was arrested by one *White*, and carried to the *Fleet*; for which this House sent for the Sheriffs, and committed them to the *Tower*.

MR. *Noye* and Mr. *Hackwell* are appointed to look forth Precedents out of the Records of the *Tower*, to shew how far, and for what Offences the Power of this House doth extend to punish Delinquents against the State, as well as those who offend against this House.

MASTER of the Wards. That the Proprietors had had no Patents if the Referrees had not certified, and therefore would have the Referrees examined and known, who presumed to certify the Lawfulness or Conveniency of any Patent that is a Grievance.

SIR *Giles Mompesson*. That the Patent for Inns and Hosteries was referred for Matter of Law to the now Lord Chancellor, then Attorney, Lord Chief Baron, Justice *Crooke*, to Justice *Nicolls*, and after his Death to Justice *Winch* and to Sir *Henry Finch*; all which certify by Word of Mouth the Lawfulness

*The Referrees of the Patent for Inns.*

of

of this Grant. For Conveniency, it was referred to the Lord *Suffolk*, then Lord Treasurer, to Secretary *Winwood*, to Secretary *Lake*, to Sir *Henry Finch*, and the now Lord Chancellor, then Attorney: And these were not to certify to the King, but, if they thought it convenient to be granted, then they should give Order or Warrant to the Attorney that then was to draw a Book for the passing of it.

*Tuesday, February 27.*

COMMITTEE. Concerning the Decay of Money in *England*.

SIR *William Herrick* (who was once a Goldsmith) saith, that there is most Years carried into *Poland* Fifty Thousand Pounds.

SIR *Edward Cooke*. That Ten Thousand Pounds *per Annum* was wasted by Melters of Gold.

SIR *Edwin Sandys*. That there are three principal Causes of Want of Money in the Kingdom, which he desireth the House will be pleased to consider of, and procure Remedies for.

1. Defect of Importation of Money.
2. Excess of Exportation of Money.
3. Consumption of Money in the Kingdom.

MERCHANDISE and Money is all one in Matter of Importation and Exportation, but in Matter of Consumption Money is the chief.

THE Fountain of Money is *Spain*. By Traffick we have had heretofore constantly out of *Spain*, every Year, One Hundred Thousand Pounds *per Annum*, besides the Wines and other Commodities we have had from thence in Exchange of our Merchandises.

It is lawful to bring Money out of *Spain* for Victuals, although it be prohibited otherwise. The Cause we bring not Money now out of *Spain*, is, for that we have our Return in Tobacco; which if we would bring out of other Places, which are under the Protection of our King, we should have more Money

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Money from *Spain*. The Summer Islands and *Virginia* have Plenty of Tobacco, and it grows every Year better than other; for that Country Tobacco was worth Two Years since but Four Shillings the Pound, and it is now so much bettered, as it was sold this last Year for Eight Shillings the Pound. That it will be a double Profit to us to divert the bringing in of Tobacco out of *Spain*, and to cause it to be brought out of *Virginia* and the Summer Islands; for thereby we shall enrich those Countries under our Dominion, and also *England* shall be better stored with Money, when we will not take our Return for our Merchandise in Tobacco, but in Coin or Bullion as we were wont to do.

MR. *Towerfon*. That the great Concourse of strange Bottoms, that bring in out of other Countries Merchandise, do carry forth, as it is to be doubted, nothing but Money. And also the high Rate and Price of the Mint for coining is a great Cause also that it goeth not. That the least Part that the *East India* Company hath spent is gone forth in Money or Coin. There is much Money transported into *Turkey*, for which there is brought into the Kingdom nothing but Currants, Silks, and Indigo.

SIR *Nathaniel Riche*. That the Defect of trading into the *West Indies*, as in the Time of Queen *Elizabeth*, is a Cause that there is a greater Scarcity of Money than there then was. Another Cause is, the great Impositions laid on Cloth, as the pretermitted Custom and the like: And that the Want of Price of Wools is a great Cause of the Want of Money. The Importation of Salt out of *France* is another Cause of it, for the *French* do carry away for their Salt, nothing but our Gold and Silver.

(44) THAT in *Spain* our Merchants are paid in Brass, and to change that into Silver or Gold, they lose Fifteen of the Hundred.

MR.



MR. Guy. That there is not now so much Lead digged as was wont to be, for that the Tax that is imposed on it is so great.

THAT at a Monastery in *Liege* and *Brussels* there is an Abundance of *English* Coin; wherefore it were good that Order were taken that so much Money be not transported out of *England* by Strangers or others.

SIR *John Walter*. That the Proclamation in the Lord Treasurer *Salisbury's* Time, that no Foreign Coin should be current here with us, is a great Cause of the Scarcity of Money. Before this we had much Coin came in out of *Spain*, *France*, *Germany*, and the *Low Countries*.

SIR *Foulk Greville*, Chancellor of the Exchequer. That the under Valuation, and Difference of the Standard for Money, is as well the Cause that Foreign Coin is not brought in, as is the Proclamation which did command, that no Foreign should be brought in.

MASTER of the Wards. That the Merchants Adventurers Customs, which were wont to be Thirty-seven Thousand Pounds, are now come to be but Twenty-seven Thousand Pounds *per Annum*: so there was Ten Thousand Pounds Loss to the King and Kingdom, and proportionably there must be Two Hundred Thousand Pounds *per Annum* less brought in than there was wont to be.

THE *French* do import much more than they export.

THE *Turkey* Company do carry forth more Coin than the *East-India* Company.

MR. Secretary. That there may not be a Prohibition that any Tobacco should be brought out of *Spain*; for then the *Spaniard* will prohibit the bringing of some other Merchandise, which is more needful for us to vent, and to have from them: for that, by the Treaty with *Spain*, all free Trade and Traffick used at the Time of the Treaty, is to be allowed and

used

used to both Kingdoms, and their Merchants, or others, for each other's Commodities.

HERETOFORE the *Spaniard* was wont to fetch our Commodities, and lay us down Money for it; and they have more Need to seek our Merchandise, than we theirs: Nay, it would be happy for this Kingdom, if *Spain* would prohibit the Sale of their Merchandise to our *English* Merchants, for the Merchandises brought from thence are not needful to us, but they are only superfluous Commodities; and the *Spaniards* would gladly give us Money for our Commodities, rather than go without them, being indeed such as they cannot want.

It is hereon resolved by the House, that the Importation of Tobacco out of *Spain* is one Reason of Want of Money in this Kingdom.

Wednesday, February 28.

"AN \* Act for the naturalizing of Sir Robert Douglas, Knight, the Prince's Treasurer, a Scotchman." L. 1.  
[Passed our House.]

"AN Act for abolishing Battle or Combat."— L. 1.  
With Proviso not to extend to any Suit now depending.

"AN Act declaring the Ancient and Common Law of the Land, for the gaining and inning of Salt Marsh gained out of the Sea." By this it is enacted, that the Owners of Land lying by the Sea Shore shall have so much as is lost by the Sea unto the low Water Mark. L. 1.

"AN Act to enable Sir Warwick Heale, or any of his Brothers, Sons of Serjeant Heale, to lease any Lands, being in Possession as descended to the said Sir Warwick, or any of his Brothers, from the said Serjeant Heale."

\* [ Passed. ]

" AN

L. 1. "AN ACT to enable the Prince to make Leases of  
" Lands in the Dutchy of *Cornwall*."

SIR *Edward Cooke*. No Estate for Life can begin in Reversion of a Lease for Years; but a Lease for Years may be granted in Reversion of an Estate for Life or Lives.

MR. *Wood*. There is an ancient Dutchy Land, and annexed or new Dutchy Land. The ancient Dutchy Land is for the most Part Customary hold; and much of the new or annexed Dutchy Land is not so. The Dutchy of *Cornwall* was erected in 11 *Edw.* 3.

SIR *John Walter*. That *Richard*, the second Son of the Black Prince (his Father not having been King) could not be Duke of *Cornwall* by the Law, and therefore was created Duke of *Cornwall* by Act of Parliament.—That the Kings of *England's* eldest Sons are Dukes of *Cornwall* as soon as they are born, and so was Prince *Edward*, who was after *Edward* 6. and so likewise have many other Princes been, who have been eldest Sons to the Kings of *England*.

ORDER of the House. That at the second Reading, a Bill must not be put to the Question, Whether it shall be rejected or no? but, Whether committed or no? If it be resolved not to be committed, then the Question is to be put, Whether it shall be engrossed or no? If it be resolved not to be engrossed, then *Dormit* for that Sessions, as now the Bill of Drunkenness *Dormit*.

SIR *Edward Cooke*, for the punishing of Sir *Giles Mompesson*.

IN the Time of *Edward* 1. (who may well be called our *Justinian*, for the good Laws he made) it is expressed in a Precedent, that on a great and general Grievance we are to join with the Lords for the punishing of the Offenders; the same is also set down in two other Precedents, viz. in 2 *H.* 6. and 6 and 31 *H.* 6.

IN

IN the 31 H. 6. one *Thorp*, being Speaker of the Lower House, was, by the Duke of *York*, committed for Treason: whereupon we complaining to the Lords, being thus deprived of our Speaker, their Lordships demanded herein the Advice of the Judges; who delivered their Opinions, that in Case of Treason or Felony no Parliament doth privilege: And so *Trefilian* was chosen for our Speaker in the other's Place, and this was done by our joining with the Lords.

THE Opinion of the Committee is, that we must join with the Lords for the punishing of Sir *Giles Mompeffon*, it being no Offence against our particular House, or any Member of it, but a general Grievance.

SIR *Giles Mompeffon* is, by Order of the House, committed to the Custody of the Serjeant, to be forthcoming to have Judgment upon our Conference with the Lords.

Wednesday, February 21.

COMMITTEE. Concerning Courts of Justice.

FIRST, Concerning the Abuses of Registrars in the Chancery.

IT is confessed by the Registrars, and namely, *Churchill*, that they do move Orders, and draw them up themselves: And also that they move Orders themselves, and, when they draw them up, they father them upon some Counsellor at Law; and this they say is to bring Grist to each other's Mill.

In a Cause between one *Huddle* and *Napper*, one *Cary* who was *Huddle*'s Solicitor, desired one Mr. *Parker*, (a Counsellor at Law of the *Inner Temple*) and gave him a Fee, to move for an Order for his Client, which he promised to do that Day; and in the Afternoon *Cary* coming to the Registrar's Office to look for the Order which he was promised should be procured for his Client, found one entered against him at the Motion of Mr. *Parker*; on whom indeed

it



it was fathered by *Churchill*, to whom *Parker* gave Leave to father on him any Order: whereupon *Cary* went and acquainted Mr. *Parker* with the Wrong he had done him and his Client; whereat *Parker*, being at first a little troubled, yet imagining it was an Act of *Churchill's*, passed it over with this Answer, that it was true he had received a Fee of him to move for *Huddle*, for whom indeed he was really [. . .]; but it should seem *Churchill* had made Use of his Name in that Order, and so he delivered back the Fee he had taken for to make the Motion. Mr. *Hackwell* had also, unknown to him, and without giving any such Leave (as *Parker* did to *Churchill*) his Name used in two or three Orders, wherewith he was never acquainted. In a Case also between *Errington* and *Proffor*, *Parker's* Name was likewise used against his own Client. It was likewise proved, that *Parker*, having himself drawn up at his Chamber one Order for which he had moved and was granted, drew up likewise three or four other Orders without ever moving for them, and delivered them to his Man to be delivered to Mr. *Edwards* to be entered, which accordingly was done.

*Churchill* is a principal Delinquent, but *Edwards* and the Rest of the Registrars are all near as faulty as *Churchill*.

MASTER of the Wards wisheth, That the House will be pleased to consider of and remedy these Things ensuing, which are main Inconveniencies in Courts of Justice, to the great Grief and Vexation of the Subject.

1. PROTECTIONS of Sureties; and this is sometimes in the Exchequer, but most properly and often in the Court of Wards.

2. Bills of Conformity, which is used almost in all Courts.

3. Delivery out of Execution.

4. Exorbitant Fees.

5. Money paid for Days of Hearing.

6. Money

6. Money paid to Judges for References.

7. Chamber Motions or Orders.

8. Finding of Inquisitions unduly.

MR. *Alford*. That the Six Clerks should attend themselves in the Chancery and the Rolls, and should take Notes on any Motion for any of their Clients, and between them draw up the Order as it is delivered in Court; and then, having agreed on it, send it to the Registrar to be entered, according to the Course of the Exchequer.

MR. *Noye*. That the excessive Fees for Orders in the Chancery, is the Cause of the Registrars' Abuse of Orders: For the Registrars of the King's Bench and Common Pleas have but Fourpence for the entring of an Order, and there is no Complaint of them: And in the Court of Wards, where they have but Three Shillings for an Order, there is not so much Abuse in Orders as in the Chancery; and therefore wisheth, that there may be a Bill drawn, that the Registrars shall have a certain Fee and no more for the drawing and entring of an Order, be it long or short.—That in the Courts of Justice there are many Things to be done by the Course of the Court, which doth but delay Business, and extract Fees from Clients, more than is just or due; and of this Kind are the Licenses to traverse, which License will cost you more to be procured, than the Charge of the Traverse will come to; and this is called the Course of the Court.

THERE is not long since erected two new Offices: the one is called the Auditor of the Chancery, who is a great Grief to the Subject, being indeed but a needless Charge and Delay to them in their Proceedings. The other Office is the Affidavit Office, which increaseth Fees, and gives no better Despatch or Surety to the poor Subject.

THE Abuse of Registrars of the Chancery is resolved, by the Vote of the House, to be a great Grievance to the Subject.

SIR

Money

SIR Edward Cooke. *Interest reipublicæ ut dignitates ordinum observentur.*

Thursday, March 1.

THOSE who are to be naturalized, if their Bill be first put into this House, then they are here in the House, before the Speaker, to take the Oaths of Supremacy and Allegiance, and they are also to deliver here to Mr. Speaker a Certificate, that they have received the Communion, and all this is to be done at the first preferring of their Bill into the House, and before it be read: Thus much I saw Sir Daniel de Lyme, a Low-Counryman do this Day.

“ AN ACT for the enabling of *William Dampart* Esq; of *Beechton* in the County of *Chester*, to make Sale of Lands in the said *Beechton*, for the Payment of his Debts and raising Portions for his Daughters.

By the Order of the House, if a Man will speak to have a Bill recommitted, it must be after the Amendments that were made by the Committee are twice read in the House; and then the House is to order, whether it shall be recommitted or no, or whether engrossed or cast away; which three Questions are to be put severally, until the Vote of the House have resolved one of them.

MR. *Hackwell* reporteth, that the Opinion of the Committee is, that Sir *Giles Mompeffon* his Business is a Grievance; and therefore thinketh it fit, it should have a full Hearing by both Houses.

SIR *Edward Cooke*. That there are in his Observation six Kinds of Men, that never thrive or prosper.

1. Alchymist; for *omne vertitur in fumum* with him.

2. Monopolizer; for he engrosseth to himself what should be free for all Men.

3. Pro-

3. Promoter, who for the most Part lives upon the Spoil of Poor Men.

4. Concealment-monger, or he that gets Concealments.

(47) 5. Depopular, who turns all out of Doors, and keeps none but a Shepherd and his Dog.

6. New Projector, who is lately started up.

“ AN Act for the general Quiet of the Subject L. 1.  
“ against all Pretences of Concealments whatsoever.”  
Drawn up and preferred by Sir *Edward Cooke*.

By this Act no Land shall be recovered, or accounted as a Concealment, if it hath not paid Rent, nor stood in Charge or *in Supra* to the King's Use within the Space of Threescore Years.

[*Vide plus. fol. 18.*]

It is ordered by the House, that on *Saturday* we shall go to the Lords to desire them to join with us concerning Sir *Giles Mompeyson*: And Sir *Edward Cooke* is appointed to be the Messenger, and his Message to be, That we have found Sir *Giles Mompeyson* to have committed great Offences, and such as tend to the Dishonour of the King, the Oppression of his Subjects, and Corruption of the Kingdom. All which the said Sir *Giles Mompeyson* hath carried with a high Hand.

SIR *Edward Cooke*. *Qui tollit abusum, confirmat usum.*

*Friday, March 2.*

“ AN Act for the better Government of Carmen L. 1.  
“ and Woodmongers.” By this Bill there are to be but Four Hundred Carmen in *London*, and Three Carmen are to attend at every Wharf, and the rest to attend in the Streets, and the one of these is not to attend in the other's Place, but to be distinguished by several Marks. These Carmen are to be incorporated of the Company of Woodmongers: Every Carman is to pay a Mark *per Annum* for his

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License



License to be of this Company, which is bestowed on the Poor, and in Maintenance of the Hospitals of this Town.

L. 1. "AN \* Act for Confirmation of *Wadham* College.

L. 1. "An Act to make Ministers and other Spiritual  
" Persons capable of Leases of Lands for the Be-  
" hoof of their Wives and Children."

L. 1. "AN Act for the free Liberty of Trade into all  
" Countries." By this no Clothier or other, being  
of any Handicraft Trade, can have this Liberty of  
Trade.

MR. *Hackwell*, concerning Sir *Giles Mompeyson*.  
That the Committee of Grievances is of Opinion,  
that a Message should be sent to acquaint their Lord-  
ships, that we have discovered Matters and Offences  
tending to the Wrong of his Majesty in his Justice,  
Honour, and Estate, to the Disinheritance of his  
Majesty's Subjects, and the Corruption of the Com-  
monwealth, and this by a Man of Quality; and there-  
fore we thought it fit to pray a Conference with their  
Lordships.

SIR *Edward Sackville*, concerning Abuses of Courts  
of Justice. That the Registrars of the Chancery  
strike forth and put in what they will in Orders there.

THAT upon finding of undue Offices, the Party  
wronged is to traverse the Office, wherein there are  
such Abuses, that the procuring of a License to tra-  
verse (which by the Course of the Court he must  
have before he can be admitted to traverse) will cost  
more than the Land sometimes is worth; and he is,  
by the Course of that Court in Matter of Traverses,  
to bring into the Court all his Evidences, which the  
Party many Times had rather lose his Right than  
do, for many Times his Adversary taketh that Ad-  
vantage to entitle the King, or to discover the Weak-  
ness of his Evidence: And this is called Course of  
the Court.

\* [ Passed. ]

Friday,

Friday, March 2.

COMMITTEE. It is ordered that a Sub-committee of Six of the House shall go and receive all Petitions concerning Grievances, and to read them over, the Petitioner standing by; and then the Sub-committee is to bring and deliver to the Grand Committee all the Petitions, the Petitioners' Hands being set to every several Petition; And, if the Sub-committee find or meet with any scandalous Petition, then they are to stay the Petition, and to acquaint the House with it.

THE Patent of concealed Tithes made to *John Sparrow* and his Son of all concealed Tithes. The Commissioners of the Treasury are to make out as many Writs as *Sparrow* or his Deputy shall demand, to any Persons that he shall require in this Behalf.

MR. *Noye*. That it is a Fault *Querere ad molestandum populum*, for any Man to labour for any such Kind of Patent; but, if the King, or his Majesty's Officers have put this upon them, and that they have not sought it, then they are to be excused, unless they have offended in the Execution of it.

MR. *Sparrow* examined, saith, that he had a former Patent which was for Thirty one Years; and this Patent he now hath is to him and his Son, and their Executors for Eighty-nine Years, for the sole Use and Behoof of Sir *John Wentworth*.—That this Petition for this Patent was preferred by Sir *John Wentworth*, and referred by his Majesty to the now Lord Chancellor *Bacon*, and Sir *Foulk Greville*, Chancellor of the Exchequer; and on their Certificate this latter Patent was granted.

THESE Patentees sent down several Commissions into all Counties of *England*, and therein named Four or Five Knights and Gentlemen of the best Fashion in that County whither they go; and with these worthy Men they joined two or three base, sharking Fellows, who indeed did all the Business without so much

much as acquainting any of the Gentlemen of the County named in the Commission with any Thing; nor letting them know of their being in the Shire, till they had finished what they would do for that Time.

SIR Edward Cooke. *Ad Questionem facti non respondeant Jurisconsulti, ad questionem juris non respondeant Juratores.* If there be any Lands that lie not to any Parish, so as there is no Tithe paid to any Parson or Vicar for the same, then the King is to have the Tithes thereof, because he is Head of the Church of England: And no Tithes can be granted to a Layman but from some Ecclesiastical Person, or the King, who is *Persona mixta*.

Patent for  
concealed  
Tithes.

THESE Patentees for concealed Tithes run over all the Country by themselves or their Deputies, and warn Juries to find out, enquire, and return all the Lands they know or hear of that are discharged of Tithes; and, unless a Man can shew them how his Land is discharged of Tithes, he must compound with them: which if he refuse to do, and give them almost whatsoever they demand, they presently give a Man a Ticket to come to their Office, at the Sign of the *Hanging Sword* here in London; where if a Man compound not with them at their unreasonable Rates, they presently put in an Information against him into the Exchequer.

IN the City of *Worcester* these Patentees returned a Jury to find out and enquire of any Land that paid no Tithe; and there they were made to return known Abby Land, which is free from Tithes by the Law.

SIR Edward Cooke. That this Grant of concealed Tithes is no Patent, but a Commission; for by every Patent there passeth away some Interest, and there is no Interest passed by this. That it is against the Law that any Commission should be granted for Ten Years to any Man and his Executors, because none granteth or ought to grant a Commission to a Man unknown.—The Vote of the Grand Committee hath adjudged

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adjudged the Patent or Commission of concealed Tithes to be a Grievance.

Saturday, March 3.

“ AN Act to enable the Lord Viscount Mountague  
“ to sell Lands not exceeding the Sum of Twenty  
“ Thousand Pounds, for the Payment of his Debts,  
“ and raising of Portions for his Daughters and  
“ younger Children.”

SIR *Edward Cooke's* Report of the Conference with the Lords, concerning Sir *Giles Mompeffon's* Escape and Offence. How that he acquainting the Lords that we had fallen upon some Grievances that were in the Project, and by the King's Patent had so large an Extent, and were so grievous to the Commonwealth, that, according to ancient Precedents, we thought proper to acquaint their Lordships with it, to the End that we and their Lordships might all join in the punishing, and present Stay and apprehending of Sir *Giles Mompeffon*. Concerning  
Sir Giles  
Mompeffon.

THAT their Lordships answered, that they would presently take Order to desire his Majesty to be pleased to send forth a Proclamation for the apprehending of Sir *Giles Mompeffon*; and that they would also take Order for the sending both to all the Ports of the Kingdom to make Stay and Search for the apprehending of the said Sir *Giles Mompeffon*, and also that they would give present Command to search for him in all Places within the Realm.

SIR *Robert Phillips*. That Sir *Giles Mompeffon* is now to be taken as *reum confitentem*, because of his Flight, and therefore thinketh it but just, that Sir *Giles Mompeffon* should be expelled, and Order to be given for electing another Burgefs in his Place. And wisheth also, that some may be sent to know of Sir *Henry Yelverton* and Sir *Francis Michell*, by what Direction and Authority the said Sir *Henry Yelverton* did



did commit these poor Men that refused to enter into Bond to deal no more in the Business of Gold and Silver Thread.

ACCORDINGLY it was ordered, that a Committee should go to the *Tower*, to examine both the said Sir *Henry Yelverton*, and Sir *Francis Michell*.—It is also ordered by a general Vote of the House, *nullo contradicente*, according to the other Part of his Motion, that Sir *Giles Mompesson* shall be expelled the House of Parliament.

A MESSAGE from the Lords to confer with us about Order for the apprehending of Sir *Giles Mompesson*; wherein they would not do any Thing without first conferring with us, for that he had been a Member of our House, and a Prisoner with our Officer.

THE Lords send Bills or Acts to us in Parchment, and we to them in Paper.

WHEN a Bill that comes from the Lords is amended by our House, it is to be resolved by the House, whether the Amendment of such a Bill shall pass or no; and, if it pass, then the Amendment is to be annexed in a Piece of Paper to the Bill, and so to be sent up to the Lords.

A PROCLAMATION was sent forth by his Majesty for the Apprehension of Sir *Giles Mompesson*, and the bringing of him to the *Tower*.

*Monday, March 5.*

*L. 1.* “AN Act to prevent and reform the inordinate  
“ Sin of Swearing, and blasphemous Usage of the  
“ Name of God.”

By this, whosoever sweareth carelessly, wilfully, or presumptuously, and being convicted by Oath before the Justices of Peace, to be fined above Twelvepence, and not above Ten Shillings. Preferred by Mr. *Stroude*.

“ AN

" AN Act for the granting of Two entire Subsidies, L. 1.  
" dies, granted by the Temporality."

By this every Man, whether Spiritual or Temporal that is worth Three Pounds in Lands, Money, or Goods (excepting Apparel) shall pay Two Shillings and Eight Pence of the Pound for Goods, and Four Shillings of every Pound for Land; and all Aliens to pay Five Shillings and Fourpence of the Pound for Goods, and Eight Shillings of the Pound for Land, whether the Alien be Denizen or not Denizen. But he that is taxed for Land, shall not be taxed for Goods also, nor none to be taxed in two Places. There are divers Provisoers for Exemptions, as for the Cinque Ports, the two Universities, &c.

MR. *Thomas Crewe* would have the General Pardon go forward with the Bill of Subsidies.

SIR *Edward Cooke*. That we should not desire to have the Pardon go up with the Subsidies, for that were to deal Merchant-like with the King, and would much derogate from the Freeness of our Gift.

SIR *Thomas Wentworth*. That he deceiveth himself who thinketh to please and satisfy the People with a specious Preamble; and therefore would have the Bills of Grace presented to the King with the Subsidies, if that the General Pardon go not then up.

A GENERAL Pardon doth use to come down from the Lords engrossed, and is but once read here, and never committed.

SIR *Edward Mountague*. That it was never known that here was any Thing advised or prescribed concerning the General Pardon, and that it is enough that there hath been something of it intimated here, in the Presence of the Privy Counsellors and of the King's Council.

" THE \* Act for the Observation of the Sabbath," 3.  
is to forbid all Bear or Bull-baiting, Interludes, or such like, but not dancing; and it is to endure but till the first Session of the next Parliament.

\* [Passed our House.]

It

It is thought fit by the Committee, that the Abuses of Sir *Giles Mompesson* concerning the Patent of Inns and Hosteries, that of Gold and Silver Thread, and that of Concealments, should be related to the Lords by Twelve of this House, especially selected for that Purpose.

Concerning  
the Patent of  
Gold and Sil-  
ver Thread.

Sir *Robert Phillips* maketh Report of the Business done by the Committee sent to the Tower to examine Sir *Henry Yelverton* and Sir *Francis Michell*, which he divideth into three Parts.

1. Sir *Henry Yelverton's* Manner of Relation of the Inception of that Patent of Gold and Silver Thread.

2. His Declaration of his Majesty's Care and provident Proceeding before he would pass that Patent.

3. The Matter of Abuse in the Execution of that Patent.

For the first, That in 9 *Jac.* there was a Patent of this Manufacture granted to *Fowles*, *Dyke*, and one *Dorrington*, at the Suit of the Lady *Bedford*; to whom, *Fowles* and *Dyke* say, they gave Five Hundred Pounds apiece to be interested in that Patent. In 11 and 12 *Jac.* the then Recorder and now Lord Treasurer did take away Tools and imprison divers, for using of that Trade or Manufacture of Gold and Silver Thread. In 13 *Jac.* a new Patent was granted to all the former Patentees, excepting *Dorrington*; and in this Sir *Edward Villars* did put a Stock of Four Thousand Pounds into this Company, the Agency whereof still remained in *Fowles* and *Dyke* only, but the Right was by them thought fittest to be in the King: And in 16 *Jac.* Sir *Edward Villars* presented a Petition to this Purpose to his Majesty in the Behalf of *Fowles* and *Dyke*, who had been great Losers by the Patent; and hereon a Commission or Indentures under the Great Seal were granted to *Fowles* and *Dyke*.

For the second, His Majesty referred the Consideration of this Patent to the now Lord Chancellor, to the [ . . . . . ], and Sir *Henry Yelverton*; and

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upon Opposition of this Patent, alledging that it would be a great Inconvenience and Grievance to the Subject, his Majesty referred the same again to the former Committees; who again certified that it might be beneficial and good to the King and Commonwealth, if it were well used: Whereupon, after a further Petition, a Proclamation issued, that none should use that Manufacture, nor import any Gold or Silver Thread; but his Majesty first took great Consideration on it, before he would grant that Proclamation. That Sir *Henry Yelverton* affirmed, that the King did never in all his Time grant any thing concerning the Publick, but on References, and on Consideration.

For the third Part of the Report, which is concerning the Execution of the Patent of Gold and Silver Thread, that there was Lead mixed with their Silver; there were (as he hath been informed) Falsifications and Sophistications used in the dyeing of the Thread, and dressing and making of the Gold and Silver Thread: That, in the Execution, the Patentees never brought any Gold or Silver Bullion from beyond Seas, as they were bound to do, but melted of ours.

THAT Sir *Giles Mompesson* and Sir *Francis Michell* often complaining to him, that divers refused to enter into Bond not to meddle or work in the said Manufacture any more, he advised with them to whom the Bond should be, and of the Manner of the same; and it was agreed it should be to the King (for whose Benefit the Patent was granted) but they would keep the Bonds: That Sir *Edward Villars*, coming to this Examinant, told him, that this Patent lay a bleeding, and, unless he would assist the Patentees in it, it would die; and then prayed him to imprison some of the principal Leaders that were obstinate against this Patent: whereto this Examinant yielded, on this Condition, that Sir *Edward Villars* would procure the Lord Chancellor that now is, to confirm  
the



the Commitment of such as he should imprison; and accordingly this Examinant committed some of the principal and most obstinate of such of the Manufacturers as refused to enter into Bond, and they were within a few Days after, sent for by the now Lord Chancellor, and by him recommitted for their Obstinacy against this Patent. And this Examinant, Sir Henry Yelverton, saith, that he did commit those Men as being a Commissioner for seeing the due Execution of this Patent, and not by Virtue of his Office of Attorneyship, and did it merely at the Importunity of Sir Edward Villars and Sir Giles Mompesson, not daring to displease the said Sir Edward Villars. He saith further, that, on the Petition of the City of London made to the King, his Majesty was graciously pleased to release all these Men.

SIR Robert Phillips saith, there remains now but a Rag of the Report, which is Sir Francis Michell, whom the Committee did likewise call before them, but could get nothing from him; only he could not deny, that there was a Pair of Garters given him for a Bribe in this Business, and that he had granted a *Mittimus* to send some of those that refused to enter into Bond unto Prison.

SIR Dudley Digs. That there may be a Bill drawn for preventing the like Abuses by such Patents in the future: The Preamble whereof should express his Majesty's Care not to give Way to any Business that may be a Grievance to the Subject; and that there may be therein expressed a heavy Punishment to lie on such as shall dare to move his Majesty in such Business, and to brand those who shall presume to certify any thing on the References of such Business to further them; and to declare such Men unworthy to be near the Person of the King, be they never so great.

MASTER of the Wards. That the King said, when he released those who were imprisoned for the Business of the Gold Thread, that he would not govern his

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his People by Bond ; and that Sir *Henry Yelverton* said further, that the Lord of *Buckingham* was no way countenancing to the imprisoning of those Men, nor did Sir *Edward Villars* ever use his Brother's Name in this Business.

AND the Master of the Wards said, it was Baseness in Sir *Henry Yelverton* to do any thing for Fear in this Business.

*Monday, March 5.*

COMMITTEE. Concerning Grievances.

THE Staplers say, that they sell Four Hundred Thousand Pounds worth of Wool every Year, besides what Wool others buy. *Concerning Wool and Clothing.*

MR. *Noye*. That it hath been the Wisdom of former Parliaments to make that Commodity bear a good Price, whereof there are more Sellers than there are Buyers, as of Wool here in *England*; and where there are more Buyers than Sellers, it is good ever to do our best to make that Commodity cheap; and therefore it was made lawful for all Men to bring in Wines, &c.

*Tuesday, March 6.*

" AN Act to repeal a Statute of 34 H. 8. entitled, An Act of Ordinances and Laws concerning the Government of the Principality of *Wales*.

" AN Act for Restraint of Abuses in levying of Debts for common Persons, in the Name and under the Prerogative of the King." By this it is enacted, that all Bonds made to the King, with Condition to pay such a Sum to the King's Receiver, Collector, or other of the King's Officers, (other than *bona fide* for the King's own Use) shall be void.

MR. *Hackwell*, concerning the Business against Sir *Giles Mompeyson*, reporteth, that the Opinion of the Committee is, that this Business should be *Concerning Sir Giles Mompeyson his Business.*

be divided into six Parts, and that six Members of the House should every one deliver his Part to the Lords. That the Committee had appointed Sir *Dudley Digs* to make the Introduction to this Business; that Mr. *Thomas Crewe* should open the Body of the Patent of Inns and Hosteries, and the Manner of the Execution of the same, with all that belongs to that Patent; that Mr. *Noye* and Mr. *Glanville* should be as Assistants to him; that Mr. *Henry Finch*, Recorder of *London*, should open the Patent of Gold and Silver Thread, and the Manner of the Execution of the same, together with all that belongeth to the same; and Mr. *Brooke* and Mr. *Mallet* shall be as Assistants to him in that Business; that himself should open the Patent of Concealments, granted to Sir *Giles Mompeffon*, and all the Business belonging to the same, and that Mr. *Pymme* and Mr. *Cooke* should be his Assistants; that Sir *Edwin Sandys* should make a Collection, Aggravation, or Amplification of all these Businesses; and that Sir *Edward Cooke* should make a Conclusion of all, by declaring to their Lordships Precedents how heretofore others, offending in the like Manner, have been by the Houses of Parliament punished.

SIR *Samuel Sandes*. That it is just that the Accusation be first heard, and then the Parties; that we must proceed against the whole Business, lest we seem to aim rather at the Person of Sir *Giles Mompeffon*, than at the Grievance.

MR. *Hackwell's* Report concerning the Patent of Gold and Silver Thread. This Patent hath in it a sharp Sting, though it be not so general a Grievance as that of Inns. That there hath been in this Business of Gold and Silver Thread the King's Hand eight Times abused, viz. First in two Patents, next for two Proclamations, then in two Commissions, and lastly by two Indentures under the Great Seal. (g) That the King hath been herein abused in his Judgment by false Informations and Promises, that by  
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this Means there should be brought into the Kingdom Ten Thousand Pounds *per Annum*; whereas Sir Giles Mompesson confessed, there was not one Pennyworth brought in. And it was also alledged to his Majesty, that this was a new Invention and Trade free in *England*, whereas it is proved to be an ancient Trade here in this Town, used above Forty Years since. The King hath been abused in his Honour, to have his Name used in so ill a Work. The King hath been abused in his Justice, that there should be a Commission of *Oyer* and *Terminer* in such a Business, and for the Punishment of those that opposed this Patent; for it was never known that a Commission of *Oyer* and *Terminer* was ever granted to strengthen any private Patent. That his Majesty had been abused in his Profit, for the Patentees and Agents in this Business promised, that by this Means the King should not be a Loser in his Custom; which was far otherwise, as by the Custom Books is manifest. That the Kingdom and Subject was abused by this Patent, for there was no Gold Thread by this Means brought in, which was wont to yield above a Third Part; but on the other Side it was proved by the Patentees' Books, that they have melted Twenty Thousand Pounds *per Annum*, and it was alledged they had melted Thirty-six Thousand Pounds *per Annum*. It was proved, that these Men did melt Quicksilver and mix it with their Silver. The Liberty of the Subject hath been by these Men infringed, for that such Commissioners have exercised a Power to imprison and take away the Goods of poor Men at their Pleasure. These Patentees do appoint a certain Number of Workmen, who are tasked to make a certain Quantity of Gold and Silver Thread by the Week, and no more nor less, or otherwise there is enjoined a Forfeiture for Punishment of them; a Cruelty not heard of since the *Israelites* came out of *Egypt*: And the Patentees imposed the Payment of Three Shillings and Fourpence to



to be paid out of every Six Shillings that these poor Workmen gained; and this was to go to the Charges of the Commissioners, and other Business for the Execution of that Patent. And these poor Workmen are bound in good Bond to make a certain Quantity a Week, and no more nor less, and also to allow the said Three Shillings and Fourpence Impo- sition towards the Charge of the Commissioners. The Gold Finers are also bound to give an Account Monthly to these Commissioners, of the Sale of all the Gold and Silver Thread which they uttered, and of the Names and Surnames of every of these to whom they sold it. That this Business went but slowly on, till Sir *Giles Mompeyson* came into the Com- mission, since which Time there was five Times as much made as there was before. That Sir *Giles Mompeyson* threatened such as refused to enter into such inconvenient Bonds, and likewise such as refused to be bound not to meddle any more with that Ma- nufacture; that he (being a Commissioner in that Business) would fill all the Prisons in *London* with them, and that they should rot in Prison, unless they would enter into such Bonds: And, when he could not by any Means compel them to enter into Bond, he left them, saying, a heavier Hand should follow them; and then shortly after they were (as before is mentioned) committed by Sir *Henry Yelverton*, at the Importunity of Sir *Edward Villars*; and albeit Sir *Anthony Ben*, then Recorder of *London*, offered for their Bail to be bound in Two Hundred Thousand Pounds Bond, so as the poor Men might be released, yet it would not be taken. Whereupon the Lord Mayor and the City of *London* petitioned the King, who presently commanded they should be released; saying, he would not govern his People by Bond: These Commissioners did take away the Goods of these poor Workmen who refused to enter into Bond, and of divers others that they found working in that Manufacture, insomuch as some of the poor Men said,

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said, that, if the Party who took away his Goods (meaning Sir *Giles Mompeffon*) had not been a great Man, he would have indicted him for Robbery. There was one *Veal*, who having brought over Leaf Gold to a good Quantity, and paid Six Shillings a Paper for Custom of every Paper, and all other Duties for it, and having also paid other Demands made by the Patentees (whereof Mr. *Dyke* had Three Shillings and Fourpence a Paper) yet could not the poor Man have his Papers delivered to him. The Commissioners who were named in that Commission, are the now Lord Chancellor *Bacon*, the Lord Treasurer *Montague*, Sir *Henry Yelverton*, then Attorney General, Sir *Thomas Coventry*, then Solicitor General, Sir *Allen Ansley*, Lieutenant of the Tower, Sir *Giles Mompeffon*, Sir *Francis Michell*, and one *Twitney*: these three last mentioned were the principal Actors in this Business.

THESE Patentees did sophisticate both the Silk and Bullion which they used, to make it weigh the heavier.

*Tuesday, March 6, in the Afternoon :*

WHEN it was a Parliament, for that the Speaker did sit in the Chair; a Thing rarely used, and but by special Order of the House, on some special Causes.

MR. *Dyke*, examined in the House, saith, he was a Patentee in the two first Patents, but not in the third Patent, which was granted in *Anno* 1618. Saith, that the Lady *Bedford* had a sixth Part of this Patent:—That one *Robert Bradshaw*, and one *Lasbett* were the Projectors of it:—That himself gave Five Hundred Pounds to the said Lady to be a Patentee:—That out of the two last Patents, Mr. *Christopher Villars* was to have Eight Hundred Pounds *per Annum*, and Sir *Edward Villars* Five Hundred Pounds *per Annum*, and the King reserved to his Majesty but Two Hundred Pounds; but his Majesty never had any Thing paid of it, and Mr. *Christopher Villars* never

never had but One Hundred and Fifty Pounds paid him.

THAT Sir *Francis Michell* had, for being a Commissioner, One Hundred Pounds *per Annum*:—That there was no Sophistication used (whilst this Examinant meddled with the Manufacture and was a Patentee) to his Knowledge, and that then they had all the Gold and Silver from the Refiners:—That he brought out of *Spain, Barbary*, and other Places beyond the Seas, Four Thousand Pounds, or Five Thousand Pounds *per Annum*, whilst he was a Patentee:—That they have Officers for the executing of this Patent, as one *Onnion* who is their Pursuivant, to arrest or call in such as meddle with it without License; one *Clerk*, who is their Clerk, and one *Wood*, who is their Solicitor. He knoweth neither the Referrees, nor was acquainted with the Project or Projectors till all was finished.

MR. *Fowles* examined, saith, That the Project was brought to the Lady *Bedford* by one *Lasbett*:—That the Referrees who certified his Majesty that this Business was fit to be granted, were the Lord Chancellor *Bacon*, the Lord Treasurer *Montague*, and Sir *Henry Yelverton*, then Attorney General. By this Project there was promised to come to his Majesty Ten Thousand Pounds *per Annum*:—That there hath been spent since 4 *Jacob.* unto this Time, Forty-two Thousand Pounds and odd Hundred Pounds about this Work, in very Bullion; and of this there hath not been above One Hundred Pounds of our own *English* or *Scottish* Coin melted. He confesseth, that he entertained one Workman that had learned in *Italy* to dye Silk with Advantage of Weight, and that he would dye Silk, which, being but Twelve Ounces white, should weigh Sixteen when he had dyed it, and yet be very good Silk, and such as no better could be used in the making of Gold or Silver Thread. But, when this Fellow used such Sophistication as marred the Silk, only to make it weigh above

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above Sixteen Ounces, then, after thrice Warning, he turned him away, and had him questioned by the Commissioners; but he absented himself, and excused himself with Sickness, so that the Commissioners never proceeded to punish him.

Wednesday, March 7.

“ AN ACT for the naturalizing of *William Herbert*, L. 1.  
“ descended of *English* Parents, but born in *Flan-*  
“ *ders*.”

“ AN ACT for the repairing of a decayed Bridge L. 1.  
“ over the River *Avon*, near *Tewksbury* in the County  
“ of *Gloucester*.”

“ AN ACT for the improving and better ordering L. 1.  
“ of Commons Inter-Commons, and Waste Grounds,  
“ for the better Good of the Inter-Commoners and  
“ Poor there.”

THIS must be done with the Consent of the Lord, Freeholders, and most of the Tenants of the Manor, and after Notice of Fourteen Days hath been given to the Inter-Commoners: and this is also to be done by Six Commissioners, whereof Three to be of the *Quorum*; and all the Commissioners to have Two Hundred Pounds Lands *per Annum*, in the County where the Common lieth; and the poor Cottagers to have a reasonable Proportion either to be enclosed or held in Common, which they will.

“ AN ACT for the discharging of Fines and A- L. 1.  
“ mercements unduly set on Sir *John Cage*, Knight,  
“ late Sheriff of the County of *Cambridge*, by the  
“ Commissioners of Sewers in the County of *Cam-*  
“ *bridge*, amounting to the Sum of One Thousand  
“ Four Hundred and Forty Pounds.”

THE Amendments of a Bill that is delivered in by the Committees, are only to be read, and then it is to be put to the Question, Whether it shall be en-  
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grossed or no? It may be recommitted again, if the House so order, before it be engrossed; but after it is engrossed it may not be recommitted, but either it must pass, or be dashed for that Sessions. But sometimes a small Amendment may be made of a Bill that is engrossed, so it be done in the House, the Speaker sitting.

SIR *Edward Cooke*. That it is better to live under severe Laws, than uncertain Laws, where any thing is left to the Discretion of any Judge or other, be they never so honest or discreet.

SIR *Edward Cooke*. That there is no Statute or Law that prohibits any one from keeping an Inn or Hostery, and, if there were no such Franchise or Liberty, then the Licenses to keep an Inn should be of Record; but there was never seen in any Record a License to keep an Inn.

MR. *Noye*. That it is lawful for any Man to keep an Inn, so he keep it orderly and in good Sort, according to the Ordinances, and in Places convenient, and not in Forests, or Places where Thieves may be harboured; and that this is as lawful as for a Man to keep a Dovehouse.

MR. *Mallet*. That the Reason why the Inventors of any new Invention have usually a Patent granted to them for the sole exercising of that new Invention, is to instruct others; and therefore seven or ten Years is Time enough for this Business, for a Lease of exercising of such a new Invention should not descend to the Executors of the Inventors, further or otherwise than for a reasonable Reward or Recompenſe of the Inventor's Costs in the Invention.

MR. Recorder, *H. Finch*. That he hath found an Order of the King's Council in *Edward 4.* Time concerning this Trade of making of Gold and Silver Thread.

SIR *William Herrick* (sometime a Goldsmith) saith, that he hath known this Trade of making Gold and Silver Thread used these Thirty Years.

*William*

*William Herringdon* (examined in the House) affirmeth, that he had made Gold and Silver Thread these Fifty Years, and there have five or six others made of it these Twenty Years, and some Thirty Years.

It is hereon resolved by the House, that all the Patents, Proclamations, Compositions, and Indentures, made concerning this Gold and Silver Thread, are Grievances in themselves, in the granting of them, and in the Execution of them.

THERE are appointed to consider with Mr. *Hackwell*, Whether the Patent of Concealments granted to Sir *Giles Mompesson* be of itself a Grievance or no, Mr. Serjeant *Towse*, Sir *John Walters*, Mr. *Noye*, Mr. *Whittacres*, Mr. *Wentworth*, and others.

FOR the Amendment of the Act against Informers, Mr. Speaker went forth of the Chair, and Sir *Henry Poole* did sit, as at a Committee, in the Morning, until the said Bill were amended.

*Wednesday, March 7, in the Afternoon.*

THE House sitteth to hear the Bill of Subsidies read the second Time.

MR. *Noye*. That in 8 H. 6. a Fifteenth was granted at the Beginning of the Sessions of Parliament.— He would have it expressed in a Clause at the End of the Bill of Subsidies, that the King would be pleased to grant a Commission for the giving of his Majesty's Royal Assent for the passing of this Act for the Subsidies, and yet the Sessions of Parliament not to be thereby determined, but to continue, because the great and many Busineses in Hand may not be discontinued.

MR. *Glanville*. That our House, as well as the Lords, have Power to adjourn the Parliament for a convenient Time to refresh ourselves.

It is resolved by the House, that the Warrant in Nature of a Patent, granted to Sir *Giles Mompesson*,  
I 2 of

of Two Hundred Pounds *per Annum* Value of Concealments is a Grievance to the Commonwealth.

MR. *Hackwell*. That Sir *Giles Mompesson's* Commissioners for the executing of this Patent of Concealments have Power to amerce, fine, and imprison such as discover not the Nakedness of their Title, and also the Jurors that attend not this Service; and by this Means they breed a Terror both in the Jurors and others, making the one hereby to discover almost what the Commissioners list, and the other to find what the Commissioners please or command.

*Thursday, March 8.*

L. I. "AN ACT to restrain the abusive making of Salt, commonly called Salt upon Salt." This is made in the Counties of *Gloucester, Hereford, and Salop*, but is called *Worcestershire* Salt: they who make it use to mix in it rotten Eggs, congealed Blood, Lime, and Lees of Beer.

L. I. "AN ACT for the naturalizing of *Abraham Salisbury*, and *Elizabeth Salisbury*, and *David Kirk*, *Thomas Kirk*, and others of the Name of *Kirk*; all which Persons are descended from *English* Parents, but born at *Dieppe in France*." This Bill came from the Lords.

L. I. "AN ACT for the naturalizing of Sir *Francis Steward*, and *Walter Steward*, Esq; Gentlemen of his Majesty's Privy Chamber, and *James Maxwell*, Esq; Gentleman Usher of the Order of the Garter, and of the Court of Parliament, and one of the Grooms of his Majesty's Bedchamber, and *William Carr*, Esq; one of the Grooms of his Majesty's Bedchamber." This came from the Lords: the Parties are all *Scottishmen*.

"AN ACT for Confirmation of his Majesty's Letters Patent for the incorporating of the Gardeners  
" within

“ within the City of *London*, and six Miles there-  
 “ abouts.” This Bill was cast away at the first  
 Reading, and it is ordered that this Patent shall be  
 brought into the Committee of Grievances.

“ An Act for the Confirmation of the Sale of cer-  
 “ tain Lands in *Aynsbury* and *Great Packstone* in the  
 “ County of *Huntingdon*, by Sir *William Dyer*, Knt.  
 “ to Sir *Oliver Luke*, and others.”

SIR *Samuel Sandes*, upon the second Reading of  
 the Bill to prohibit the Importation of Corn.—If  
 Corn bear not a good Price, the Husbandman can-  
 not be set on Work, for the Farmer hath not to pay  
 him; and the low Price of Corn only benefits the  
 Handicraftsman, Citizens and Townsmen; That  
 there is a Statute in 5 *Eliz.* that Wages shall be  
 raised if Corn be high-priced; and there are now  
 some who have Five Years Corn in their Granaries  
 lying on their Hands.

SIR *Edward Cooke*. That there is in Parliament The Manner  
 of Judicature  
 in Courts of  
 Parliament.  
 Four Sorts of Power of Judicature, or of judicial  
 Proceeding.

1. Power of Judicature, or judicial Proceeding,  
 is *Coram Rege & Magnatibus*, or *Consilio suo*.
2. Is *Coram Magnatibus tantum*.
3. *Coram Magnatibus & Communitatibus*.
4. Is *Coram Communitatibus tantum*.

SOME Precedents of these Kinds follow:

THAT all Writs of Error brought on a Judgement  
 given in the King's Bench, the Remedy is only to  
 be by the Lords, because the King may not be a  
 Judge in his own Case.—That one *Richard Lyons*  
 a Merchant, a Projector in the Time of *Edward 3.*  
 for procuring a Dispensation to carry Merchandises  
 to other Places than the Staple-Towns, and for a  
 Project which exhausted the Treasury of the King-  
 dom, was by the Lords and Commons sent to the  
 Tower, fined, and ransomed, banished the Court.—  
 That one *Jo. Pecke*, for having a Monopoly of bring-  
 ing



ing of Sweet Wines was punished as *Richard Lyons* was.—That in 31 *H. 6.* the Speaker of the Lower House being served in Time of Vacation of the Parliament with an Execution, by the Duke of *York*, this House went to the Lords to advise with their Lordships, and to crave their Assistance for the Releasement of our Speaker; but it could not be done, and so we chose a new Speaker.—That Lord *William Latimer*, for being a Furtherer of *Lyons's* Project in *Edward 3.* Time was convented, fined, and ransomed by the Lords and Commons of the two Houses of Parliament.—For the fourth Point which is *Coram Communitatibus* only, That in 23 *Eliz.* in *Hall's* Case, the Commons did of themselves fine and commit to Prison.

THAT it is the Course of Parliament, if one who is convented do fly, his Goods are to be sold. That Sir [ . . . . ] *Mortimer*, Knight, being convented in Parliament, and flying upon it into *Ireland*, had a Day given him to return, but not appearing, all that was alledged was taken *pro confesso*, and his Goods were all seized.

EDWARD 3. made a Law, that there should be a Parliament every Year to remedy Grievances.—That in *Edward 3.* Time one *Jo. Lee*, being the King's Steward, kept a Court in his Chamber, sent Pursuivants to bring Men to his Chamber, and thence committeth them. But for this he was by the Lower House of Parliament convented and [ . . . . ]

Friday, March 9.

“ AN Act for the continuing an Act made in  
“ [ . . . . . ] entitled, An Act for the true  
“ making of Woollen Cloths.”

“ AN Act to make void a Decree in Chancery,  
“ and the Assurance thereby made by Sir *Thomas*  
“ *Germey* and others, of Lands in the County of  
“ *Cambridge*, to one [ . . . . ] *Steward*.”

SIR

SIR George Moore's Report of the Bill committed concerning Sea-Marks and Lights.—That because this Bill doth strike at the Power of the King, and all petty Jurisdictions of Admiralty, therefore this Bill was thought fit to be rejected: And so it was accordingly ordered by a Vote of the House; and also it was ordered, that the Patents of *Wintertonness* and *Dungeonness* should be brought in to the Committee of Grievances.

“AN Act for the making of the Estates of at-<sup>L. 1.</sup>  
 “tainted Persons liable for the Payment of their  
 “just and due Debts.”—This is a Bill of Grace.  
 [Engrossed.]

MR. Mallary. That, had it not been for Sir *Dudley Digs* and Sir *Edward Cooke*, the Business concerning Sir *Giles Mompeyson* at the Conference with the Lords had fallen to the Ground.

SIR Robert Phillips. He had thought to have spoken but to two Points, but now will speak to three.—1. That the Speaker doth not carry himself [well] in putting Things to the Question, nor frameth the Questions according to the Sense of the House. 2. That amongst other Omissions yesterday, on the Conference, it was omitted to speak of the Referrees: he hopeth it was not purposely forgotten, for no noble or free Man will be afraid to name those that fear not to wrong their Country. 3. For a Remedy, he would that, at the next Conference with the Lords, the Omissions might be spoken of and remembered; or rather that we should send tomorrow Morning to repair our Duties and the King's, and their own Honours.

MR. Nevill. That the Speaker hath been the Cause that many good and plausible Motions have become abortive, and hath made them perish as soon as they have been born. That the Heart and Tongue of Sir *Edward Cooke* are true Relatives, but his Pains hath not reaped that Harvest of Praise that he hath deserved.

deserved. For the Referrees, they are as transcendent Delinquents as any other, and sure their Souls made a wilful Elopement from their Bodies, when they made these Certificates; of which Referrees some are active, and they have been and are very criminal; others are passive, and their Names have only been used. He desireth that this Matter of Referrees may be duly considered, without Respect of Places or Persons.

*SIR Thomas Wentworth.* That the Omission may be supplied by some other Members.

*SIR Dudley Digs* wisheth, that we should not be too curious in challenging too large a Power.

*SIR Thomas Rowe.* That those who were employed in opening of that Business to the Lords, if they had doubted their Order had not been large enough, should have asked a better Order. That there was omitted all the particular Commitments made by the Commissioners in the Business of Gold and Silver Thread, the Sophistication of the Silk that was used to make the Gold and Silver Thread, the offering of yellow Silk for Gold Thread; and therefore he wisheth that those, who omitted any thing of their Parts, should tomorrow by another Conference repair what they omitted Yesterday.

*MR. Hackwell* excuseth himself and saith, that in his Part there was no Referree, for on *Sir Giles Mompesson's* Petition for the Two Hundred Pounds Old Rent to be made up out of Concealments, it was referred to *Sir Thomas Coventry* only to draw a Book according to the Petition, and not to consider of the Lawfulness or of the Conveniency of the Grant.

*MR. Crewe* excuseth himself, saying, he hath the Testimony of his own Heart of his Willingness to perform his Duty for the Service of this House:—That he took it that he had cleared his Majesty's Honour, by noting his judicious Steps in the granting the Patent for Inns:—That there being no Certificate concerning the Lawfulness or Conveniency of the

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the granting of the Patent of Inns that was (to his Knowledge) brought into the House, he thought it not fit to mention the Referrees but on good Ground, and not on the verbal Affirmation of *Sir Giles Mompesson*.

MR. Recorder excuseth himself, saying, he came with a faithful Heart to perform the Service of this House:—That he left out the Referrees because there was no other Proof of them, than only the Words of *Sir Henry Yelverton*, who only said there was a great Person to whom this was referred.

SIR *Edward Cooke*. First, it is no more needful to have a good Speaker, than a good Hearer. That the Patent of Inns and Hosteries was referred to the Lord Chancellor *Bacon*, Lord Chief Baron *Tanfield*, and to Justice *Nicolls*, and after his Death to Justice *Winch*; and this was for Law: For Conveniency, it was referred to the Lord Treasurer *Suffolk*, to the now Lord Treasurer, then being Recorder, to Secretary *Lake* and *Winwood*.

SIR *Robert Phillips*. That *Sir Henry Yelverton* said, that the Patent of Gold and Silver Thread was first referred to the Lord Chancellor *Bacon*, the Lord Treasurer *Mountague*, and himself, and the second Time to [ . . . . . ]

THAT he committed one *Grove* and another that wrought in the Manufacture of Gold and Silver Thread, at the Importunity of *Sir Edward Villars*; and that, on his imprisoning of these Men, he wrote a Letter of it to the now Lord Chancellor, saying, that, if his Lordship would not confirm what he had done, he would presently release them.

MASTER of the Wards. That, if the Referrees be not spoken of, all the Fault of the Grant would lie on the King; and therefore to amend what was Yesterday omitted, he desireth that we confer presently of the Repair of that Omission: And to this End Mr. Speaker is ordered to go out of the Chair, that the House, being a Committee, may the better prepare



prepare what Course shall be most fit to certify the former Omission.

It is proved that one *Geere*, a Worker of Gold and Silver Thread, had his yellow Silk taken from him by the Commissioners' Officers, who said it was Gold Thread, and therefore forfeited; but the said yellow Silk was but seized on and kept in the Officers' Custody, until Sir *Giles Mompeyson* came, who took it absolutely from this poor Man, as being Gold Thread forfeited; insomuch as this poor Man protested, he would have indicted Sir *Giles Mompeyson* for it, had he not been so great a Man.

SIR *Robert Phillips*. That Sir *Henry Yelverton* said, the Patent of Gold and Silver Thread in 9 *Jac.* was procured by the Lord Treasurer *Salisbury*, for the Lady *Bedford*:—That there was a new Patent granted in 13 *Jac.* and that in 16 *Jac.* Sir *Henry Yelverton* advised to have an Indenture, and this was, by the King, referred to the now Lord Chancellor, the now Lord Treasurer, and Sir *Henry Yelverton*, for Matter of Law first; and the second Time to the same Referrees, for Matter of Conveniency and Fitness, who certified it a Thing convenient and beneficial, and thereupon went forth a Proclamation; and now Sir *Edward Villars* came in and was a Partner, and put in Money for the furthering of this Business:—That the Condition of the Bond which those Men should enter into, who did presume to meddle in this Manufacture, contrary to the Patent, was referred to the Consideration of the Lord Treasurer *Mountague*, and the Lord *Hobart*: And hereon, at the pressing of Sir *Edward Villars*, he committed those that refused to enter into Bond, on Condition that the Lord Chancellor should confirm their Commitment; which Sir *Edward Villars* did undertake should be performed on the Delivery of his Letter to the Lord Chancellor. These five poor Men having been five Weeks in Prison, came before the Lord Chancellor; who, after he had threatened them,

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did recommit them to Prison. After the Imprisonment of these poor Men, Sir *Giles Mompesson* and Sir *Francis Michell* were emboldened to break up Men's Houses, and to take away Men's Instruments and Goods.—All this was reported to the Committees, by Sir *Henry Yelverton*, at the *Tower*. The Bond was not to make any Gold or Silver Thread, nor to meddle in that Manufacture, without the special Leave and License of the Patentees:—That Sir *Francis Michell* said, that he dreamed not of a Parliament.

*Friday, March 9.*

MR. *Fowles* examined, saith, that Sir *Nicholas Salter* and Mr. *Dyke* did only meddle with the licensing of Men to bring in *Venice Gold*, for which there was paid for Custom, Six Shillings for every Paper that any Stranger did import, and Five Shillings and Fourpence for every Paper that any native *Englishman* did bring in.

SIR *Robert Phillips*. That Sir *Henry Yelverton* did affirm, that the Lord of *Buckingham* did never write, meddle, or speak, or suffered his Name to be used (for any thing that ever he heard) about this Patent of Gold and Silver Thread; only once he certified the King's Pleasure concerning it, but did never of himself meddle in it.

THERE is, for the more full executing of this Patent, a Warrant Dormant directed to all Mayors, Bailiffs, Justices of the Peace, Constables, and all other his Majesty's Officers, to aid and assist this Bearer, to attach and imprison the Bodies of such as should import any Gold or Silver Thread, or should work, or any ways intermeddle with the Manufacture of Gold or Silver Thread; and to take away all such Gold or Silver Thread, Silk, or Instruments for the making of any such Gold or Silver Thread, as this Bearer shall find or give Knowledge of. This Warrant is without Date, and subscribed with the  
Hands.

Hands of [ . . . ] *Francis Bacon* Chancellor, *Thomas Suffolk*, Secretary *Lake*, Sir *Robert Nanton*, *Henry Yelverton*, *Thomas Coventry*, *Allen Apsley*, *Francis Michell*, and *Henry Twidley*.

*SIR Edward Cooke*. That this Warrant Dormant is plainly against the Statute of 24 *Edward 3.* and against *Magna Charta*. This Warrant is also to be shewn to the Lords.

THE Commission of *Oyer* and *Terminer* under the Great Seal, directed to the Names that are subscribed to the Warrant Dormant, and to Sir *Giles Mompeffon*, is to enquire, judge, and punish (sans *Oyer*) any one offending against a Proclamation, which Proclamation was to take away Men's Liberties and Goods.

THE Patent of Inns and Hosteries was granted 3 *Martii 14 Jac.* And 19 *Martii 14 Jac.* the Fifth Part of the Fines for Inns was granted to Sir *Giles Mompeffon*, and his Brother *Thomas Mompeffon*.

*MR. Fowles* examined, saith, That he delivered to Sir *Giles Mompeffon* Fifty Pounds out of the Groat Money; which was an Imposition, which they who meddled in the executing this Patent laid upon the poor Workmen who were employed in it. He saith also, that the Lord *Suffolk* and Sir *Allen Apsley* have committed some Men on the Complaint of the Patentees:—That the Warrant Dormant was drawn by himself, and some of the Commissioners, and afterwards shewed to Sir *Henry Yelverton*, who did set his Hand to it, and after him all the rest who thereto have subscribed:—That, as he taketh it, the Consideration of the Commission of *Terminer* was by his Majesty referred to, and certified by the now Lord Treasurer, and Sir *Henry Yelverton*.

*Wilmot*, Clerk unto Sir *Giles Mompeffon*, examined, saith, that all the Justices of Assize did receive of him the Fee of Five Shillings for confirming of every License granted to every Innkeeper, according as it is expressed in that Patent to be paid unto them.

Saturday

Saturday, March 10.

“ AN Act for the Company of Tallow Chandlers  
“ in London.”

“ AN Act for the uniting and annexing of Saint  
“ Mary’s and Saint Peter’s Parish in Dover, and for  
“ the establishing of Saint Mary’s Church there to  
“ be a Parish Church.”

No Member of the House may be present in the House, when a Bill or any Business concerning himself is debating; but, while the Bill is but reading or opening, he may.—This is Sir *Warwick Heales’s* Case, he having now here a Bill to pass to enable him to set Land for Lives or Years.

THIS Bill of Sir *Warwick Heales’s* was put off till he had brought good Testimony, or his Brothers themselves on whom the Land was entailed, to declare unto the House, that his Brothers were acquainted and consenting to the passing of this Bill.

A MESSAGE sent from his Majesty by Mr. Attorney General, to signify, that his Majesty is doubtful, lest the Conference (which we have appointed to be this Afternoon with the Lords) may be a Hindrance to the Consideration of the Bill of Subsidies; and therefore desireth, that the Conference may be deferred till *Monday*, unless it be of that Nature, and of such Shortness, as that both may be done this Afternoon.—All the while this Messenger was in the House (being come from his Majesty) it was thought fit (and so observed) that every one should stand up and be uncovered.—The Answer we gave was, that we would do both Businesses: albeit we sat till Ten of the Clock at Night.

THERE is shewed a Warrant under the Hands of Sir *Giles Mompesson* and Sir *Francis Michell*, that they, by Virtue of the Proclamation concerning Gold and Silver Thread, did commit such a one to the Prison of *Newgate*.

IN



In this Commission for the Business of Gold Thread there is none of the Commissioners named to be of the *Quorum* (which was never before seen in a Commission of this Nature) but only to these Commissioners, or to any two or more of them.

NOTWITHSTANDING that this Commission was but to any two or more of the Commissioners, yet Sir *Francis Michell* (as it is alledged) hath alone committed some for the Business of Gold Thread, and so did Sir *Henry Yelverton* commit those, whom Sir *Edward Villars* importuned him to commit.—And *Fowles* (who was no Commissioner) did commit one, and kept him six Days in Prison before he had him before the Commissioners.

ONE *Gascoign*, with sophisticating and adulterating the Silk (which was to be employed in the making of Gold and Silver Thread) thereby to make it weigh heavier, lost the Use of his Hands. He endeavoured, and did bring what weighed but Twelve Ounces to weigh Fifteen or Sixteen Ounces, and this was by using White Lead and the like.

It was alledged and offered to be proved, that there were by this Patent of sole making of Gold and Silver Thread ten several Trades hindered, and One Thousand Persons utterly debarred of their Trade.

*Saturday, March 10.*

Oxford was  
a University  
before Cam-  
bridge.

THERE are three Reasons to prove *Oxon* was a University before *Cambridge*. First, Because that, in all the Statutes of *England*, *Oxon* is set before *Cambridge*. 2. That *Oxon* is a City and hath a Bishoprick. 3. That, when there were but four Universities named in *Christendom*, *Oxon* was one, and *Cambridge* was not named.

*Monday,*

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Monday, March 12.

"AN ACT for the Reformation of divers Abuses *L. 1.*  
" and Deceits committed and used in Dyeing." By  
this no Blockwood or Logwood shall be used in Dye-  
ing, and that Dyers shall have a Halfpenny of a  
Cloth to see that Cloths are well dyed.

MR. Secretary *Calvert*. That his Majesty com-  
manded him to let the House understand, that he  
takes Notice both of the Manner of Ceremony used  
to his Majesty's Messenger, and of the Matter, that  
we so cheerfully proceeded in the perfecting his  
Work, and giveth Thanks for it to the whole House,  
and particularly to those of *Wales*, for their particu-  
lar Desire to advance his Majesty's Benefit in making  
the Subsidies as great as might be; and that his Ma-  
jesty did acknowledge that he had received more and  
truer Testimonies of the loving Hearts and Respect  
of his Subjects this Parliament, from the lower  
House, than ever he did in any Parliament; and  
that his Majesty will be as forward as we can desire,  
to remedy the many Grievances which lie on his  
People, and to grant those Bills of Grace which shall  
be desired.

SIR *Edward Cooke*. That a Lawyer's Dialect is  
(60) to speak perspicuously, briefly, and to the Purpose.—  
Reporteth, that the Lord Treasurer said, he denied  
his Hand to the dateless Warrant Dormant, because  
he took it to be against the Law: And that he was  
glad that so good a Lawyer as the Lord Treasurer  
was of our Side. He said further, that both the  
Lord Treasurer and the Lord Chancellor did offer  
to make Apologies for themselves, and to justify  
what they certified as being Referrees, but they de-  
ferred it till a more seasonable Time.

SIR *Henry Spillar* desireth, that he may now give  
Answer to those Objections that have been made to  
him, concerning his being a Cause of the Decay of  
his

his Majesty's Revenue by Forfeitures of Recusants' Estates, and that the Imputation may not lie too long on him.—He saith, that there was not above Eight Thousand Five Hundred and Fifty Pounds answered to Queen *Elizabeth* in the 43 Year of her Reign, as it appears in the Pipe where it is recorded; whereas it was affirmed to the House, that there was answered to the said Queen Eighteen Thousand Pounds *per Annum*, and so to the King that now is at his first coming:—That he hath been impiously charged by a base Fellow for plotting of Murder, whereof he shall desire the Justice of this House either to condemn or purge him:—That two of the Committee, *viz.* Sir *James Parrett*, and [ . . . ] granted a Warrant to one *Farrington* (who hath been free of almost all the Prisons of the Town, and is assisted by one *Heton* and one *Grimston*, as honest and worthy Men as himself) to search among the Records of the Exchequer, and the Pipe and other Places, for any Records concerning this Business of Recusants' Estates.

SIR *Robert Phillips*. That no two Men of a Committee (without the Consent of the Rest of the Committee) may employ any one to search Records, or to do any thing else concerning the Business that is committed, albeit such Power is given to the whole Committee from the House.

THERE is an Act in 42 or 46 *Edw.* 3. That it shall be lawful for all Men to see Records, paying such Fees as are due, and the Clerk standing by, or being present.

CHANCELLOR of the Exchequer. That Sir *James Parrett*, who was too zealous in his Business, and thereby took on him to give Commission more than his own Commission did warrant, may by this take Warning and Notice, and so may also all others, that there be no more that transgress so again.

“AN Act for the incorporating of Glovers, and “ giving sole Power to buy Skins.” [*This is cast away.*]

A MESSAGE from the Lords by Mr. Attorney and Sir *William Burd*, That the Lords, finding the Business of the late Conference to be of Weight and Consequence, do therefore desire a farther Conference on the same Business; and that we would bring to their Lordships then all the Patents, Commissions, Warrants, Examinations, and Informations which we have received concerning the same. The Number of the Lords shall be Twenty-four, and a Place to be reserved for the Prince, if his Highness shall be pleased to be present; the Place the Painted Chamber; and leave the Time to us, desiring it may be with all convenient Speed.

“AN ACT against Patents of Monopolies, and L. 1: “Dispensations and Forfeitures of penal Laws.”—

By this all Patents, Commissions, Grants, &c. for the sole buying and engrossing of any thing, shall be void; and all those that presume to put in Execution, or to sue for any thing by Virtue of any such Patent, Commission, Grant, &c. in any Court, other than in a Court of Record, shall incur a *Premunire*; and any one that, being grieved, will sue against any one who hath vexed him by Virtue of any such Patent, Commission, Grant, &c. shall recover three Times the Value of what he hath paid, or hath been drawn from him by any such Patent, Commission, &c.

Monday, March 12.

COMMITTEE for Grievances. Concerning the Patent of concealed Toll, wherein Sir *Thomas Somerset* and Mr. *Jo. Stuard* are Patentees. Sir *John Townsend* is a Commissioner in this Business.

SIR *John Townsend* examined, saith, That the King bestowed on the Lord of *Doncaster* Two Hundred Pounds Rent *per Annum* of concealed Lands, and that one *Joseph Watkins* (who was employed therein) did deal with this Examinant, who bargained to

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give for this Two Hundred Pounds Rent of concealed Lands, Eight Thousand Pounds to the Lord of *Doncaster*; and that this *Watkins* did put into the Book so much as came to Sixty-four Pounds *per Annum*, Part of the Two Hundred Pounds Rent, unknown to this Examinant, and passed in it, amongst other concealed Lands, ten or twelve Hospitals, and some Chantries:—That of this Sixty-four Pounds Rent *per Annum*, this Examinant sold again Sixty Pounds *per Annum* to Sir *Samuel Tryon* for Four Thousand Eight Hundred Pounds; which he turned over to be paid to the Lord *Doncaster*, in Part of the Eight Thousand Pounds. Two of these Hospitals which are passed in this Book are in *Litchfield*, and worth Five Hundred Pounds *per Annum*:—That the said *Joseph Watkins*, and one *William Smeethes*, are the Projectors of this Business.

Patent of  
Pedlars.

SIR *Francis Blunden* bringeth in the Patent of Pedlars, and being examined, saith, That this was referred to the now Lord Chancellor, the now Lord Treasurer, and Sir *Henry Yelverton*, then Solicitor, for Matter of Conveniency:—That there is (as appeared by the Patent) reserved One Thousand Marks *per Annum* to the King:—That this Patent was executed a Year and a quarter by the Patentees' Deputies, who were tied to pay the King's Rent, and to give Five Hundred Pounds *per Annum* amongst the Six Patentees:—That the Deputies did grant Two Hundred and Forty Licenses. The Deputies Names were *Daniel Brooke*, and one *Ackwood*, or *Ackworth*.

SIR *William Herrick*. That in 39 *Eliz.* cap. 4. there is an Act against Pedlars, Vagabonds, Petty Chapmen, &c: that there have been One Thousand or Eleven Hundred Petty Chapmen sued by these Patentees in the Exchequer.

MR. *Noye*. That this Patent is against the Law of 39 *Eliz.* for that Law never meant to repose any Trust in the Patentees to dispense with it: and it is

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a Grievance to the Subject in the Execution, as we see by the Number of poor petty Chapmen that have been sued in the Exchequer by the Patentees; who, because they could not make these poor Men (for that they offended not against the Statute) Rogues in Law, therefore they exhibited an *English Bill* in the Exchequer, as if they would make them Rogues in Equity: And albeit the Deputies only solicited and followed this, yet the Patentees Names are only used in it, and not without their Privy and Allowance.

THERE is exhibited a Petition of one *Thomas Geere*, Patent of the sole engrossing of Wills and Inventories. Gentleman, of the Parish of Saint Bennet, London, against the Patent of the sole engrossing and copying of Wills and Inventories, whereby it is expressed, that by this Patent there is granted Threepence a Line to the Patentees for engrossing of all Wills and Inventories, and Eighteen Pence for the Parchment, which is [ . . . . ] Inches.

DR. Googe. That one *Olland*, a Proctor, told him, that Mr. *Kelvert* (who hath all the Dealing in the Office of engrossing of Wills) said to him, that he had already taken off the Edge of the Bill (which was said to be put into the Parliament House against that Office) and that he would lay Five Hundred Pounds the Bill would not be read; and that, when the Parliament was done, then there would be a King again; and that *Kelvert* being asked by *Olland*, whether there were not now a King, he said, Yes; but that then he would shew himself a King, and his Prerogative.

MR. Noye. That it is the Order and Course of Parliament, that no Copies of Petitions may be given to any Man, but the Party charged by the Petition is only to hear it read, and so to make his Answer to it.

SIR Robert Flood. That the Patent for the sole engrossing of Wills and Inventories, was referred to the now Lord Chancellor, the now Lord Treasurer, Secretary *Nanton*, and others whom he remembereth

not — That the Petition, which was preferred to the King was in Mr. *Christopher Villars's* Name, and by him presented to his Majesty :—That this Examinant did first acquaint Mr. *Christopher Villars* with this Project, but it was not of this Examinant's projecting or Invention, but he had it from one *Price* above Twelve Years since :—That this *Price* hath been dead above these seven Years :—That all the Referrees named before did certify both the Lawfulness and Conveniency of this Patent.

MR. *Olland* examined, saith, That he is a Proctor of the Arches ; and that the Speeches before mentioned were delivered by Mr. *Kelvert* in the Presence of this Examinant, and of other Men of good Fashion.

MR. *Kelvert* examined, saith, That he is the King's Servant in the Office of engrossing of Wills, but hath been a Proctor till of late. He saith, that he only said to *Olland*, that he hoped the Petition which he preferred to this honourable House had taken off the Edge of the Bill, and that he said the Office of engrossing of Wills and Inventories is so just and behooveful to all Men (except some few Proctors) that the Bill would never pass : And he denieth absolutely, that he ever said that after the Parliament the King would be a King again, and that then he would shew his Power or Prerogative, or that he said any thing to that Purpose.

MR. *Ode*, a Proctor, examined, saith, That he heard *Kelvert* say this Morning the two first Points of the Speeches that are expressed and told by Mr. *Olland*, but he heard not him say any more.

Tuesday, March 13.

- L. 2. " AN Act for the repealing an Act made 34 H.  
 " 8. by which it was enacted, That the King might  
 " make daily new Laws and Ordinances for the better Government of the Principality of *Wales*."—

By

By this new Act it is desired to be enacted, that the King, his Heirs, &c. may not, by Virtue of the said former Act, alter the Laws, &c. that are now established in *Wales*, since they are now by a long Experience found and known to be good, and such as are fit for the Government of that Place.

SIR *Edward Cooke*. That in the Year 873 King *Alfred* did ordain, that his People should assemble in Parliament twice a Year.

“ AN Act for the passing of the Accounts of Sheriffs, Escheators, Collectors of Subsidies, Fifteenths, Tenths, and Aids, without Exactions of Fees, or unnecessary Delays.”—By this, if any Officer shall take or exact any Fee, Reward, or Gratuity (other than moderate Fees for Clerks’ Pains) or give Delay to the said Parties, that then such Officer shall lose his Office, and the Exactions shall be recovered again by Law.

“ AN Act for the Relief of any of the King’s <sup>L. 3.</sup> Patentees, Tenants, or Farmers, by Indenture of <sup>Bill of Grace.</sup> Crown Land, or Dutchy Land, in Cases of Forfeiture of their Estates or Leases for Non-payment of their Rents, or for Non-performance of any Duty, Service, or Covenants.”—By this, if the Rent have been afterwards accepted, or the Duty performed and accepted, that the Patent or Indenture shall not be forfeited: And no Patentee or Grantee of a Reversion of any such Lands, shall take any Forfeiture of the Tenant in Possession, for Non-payment of Rent, or Non-performance of Service or Covenants.\*

“ AN Act for the Establishment of Grants heretofore made to Queen *Elizabeth*, by Collegiate Persons, Dean and Chapter of any Church, Masters of any Hospitals, or any other Ecclesiastical Persons or Corporations.” <sup>L. 1.</sup>

\* [This Bill hath been three Times read, and hath passed this House.]

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- L. 1. "AN Act for the further Description of Bankrupts, and for Relief of the Creditors of such as become Bankrupt; and for the Corporal Punishment of Bankrupts in some Cases."—By this, if a Man convey away above the Value of Five Pounds of his Goods or Money, to defraud his Creditors thereby, he shall lose an Ear in the Pillory: And, if a Bankrupt come not in after certain Proclamations, then he shall suffer Death as a Felon; but all his Goods shall be sold by Commissioners for the Payment of his Debts, and not be forfeited as Felons' Goods are.

SIR Edward Cooke's Report of the Conference with the Lords. That as *Jerusalem* is called *Civitas Consecrata*, so this Parliament may be called *Parliamentum Consecratum*. That the Lord of *Buckingham* did speak first concerning the King, and then concerning himself. That the King did take very graciously our Proceedings, and therefore his Lordship advised us to strike now while the Iron was hot, and that we should not stand so much upon Matter of Form as Matter itself: Concerning his Lordship himself, that his Lordship acknowledged, that this House had done him in his particular Right, and for that he would be ready to do all good Offices to his Majesty for us;—That he would not protect either of his two Brothers, but tell both his Majesty and this House the Truth of that Business, if that there be Need, or they be blamed, and so leave them to the Censure of this House; for he that begot them, begot one also that would punish them, if they deserved it:—That his Lordship did never before know what a Parliament<sup>(6)</sup> was, but he would now study and learn to do both his Majesty and the Kingdom Service.

MASTER of the Wards' Report from the Committee on the Scarcity of Coin.

THE Causes of Want of Money are,

1. THE unequal ballancing of Trade.

2. THE

Causes of  
Want of  
Money.

2. THE Exportation of Money into *Poland*.
3. THE unequal Proportion between the Value of Gold and Silver.
4. STRANGERS not [ . . . . . ].
5. THE Consumption of One Hundred Thousand Pounds *per Annum* in Tobacco.
6. WOOL bearing of so low a Price.
7. THE Patent of dyeing and dressing of Cloth.
8. THE low Rate of foreign Coin.

SIR *Edwin Sandys*. That we may as well banish the Importation of Tobacco out of *Spain*, as the King of *Spain* hath banished the Importation of Silk into his Dominions; and it can be no Impeachment therefore to the League.

It is, by the general Vote of the House, agreed, that the Importation of Tobacco out of *Spain* is one Cause of the Want of Money in the Kingdom.

MR. Solicitor's Report from the Committee on the buying and selling of Wool.

THAT the Patent of Broggers or Jobbers is, next to that of Staplers, one of the greatest Causes that Wool beareth no higher Price. That the Remedy to amend and raise the Prices of Wool is, that there may be an expresse and a strict Prohibition that no Manner of Wool be transported, nor yet Woolfel out of this Kingdom; and that the like by the King's Favour and Command may be, that no Wool or Woolfel be transported out of *Ireland* or *Scotland*; and that there be also the like Prohibition in all the said Kingdoms, that no Fuller's Earth be transported.—The deceitful making of Cloth is one great Cause that our Woollen Cloths sell no faster; another is the Impositions laid upon them more than there was wont to be; and another is the ill dyeing of our Cloths, which is caused for that the dyeing Stuffs are all almost monopolized, and sold at unreasonable Rates or Prices.

THE Staplers being asked, Whether it would be best for the Kingdom and the Valuation of Wool,  
that

that it might be lawful for every Man to buy, or for the Clothier only to buy Wool of the Wool-grower, answered, that it would be better for the Kingdom that every one should buy than only the Clothier: And the Clothier being demanded, whether it would be best that only the Stapler should buy Wool of the Wool-grower, or that it might be lawful for every Man to buy Wool, answered, that it would be better for the Commonwealth that every one should buy, than only the Stapler.—So that by this it is probable, that free Liberty for all Men to buy will be best for the Commonwealth.

*Mr. Bartlett.* That the Clothier might have the Preemption; that there may be a Remedy against the engrossing and forestalling of Wool; against Exportation of Wool and Fuller's Earth; and against Sophistication of Wool by mixing of Water, Sand, Pitch, Tar, or the like.

*Sir Thomas Rowe.* That, if the Clothier have the Preemption, then the rich Clothier will engross all the best Wool, and the poorer Sort shall have none but the coarsest and worst Wool. That there are some who spin Wool with Grease, whereas it should be but Oil, and thereby they make it weigh the heavier, and besides their Grease is cheaper than Oil.

*Mr. Smith.* That the Merchants delay the Clothiers' Market two or three Days, sporting at them, and confederating together in setting what Prices they list on their Cloth; and by their Delays do much hinder the Clothiers' Markets elsewhere, and by these Means do, as it were, constrain the Clothier to sell at the Merchants' Prices.

*Tuesday, March 13.*

COMMITTEE.

*Mr. Towerson.* That the Company of Merchant Adventurers do make free of their Company every Year Sixty, either by Patent, or as having been Apprentices.—

prentices.—That there was Sixty Thousand Pounds paid by the Company of Merchant Adventurers, at (4) the new procuring of the Patent, which they now have ; for the raising again of which Sum the Merchants have imposed Six Shillings upon a Long Cloth, and Four Shillings upon a Short Cloth ; which Imposition they abate upon the Price they used to give unto the Clothier.

It is alledged and charged, that there is Seven Shillings imposed on a Long Cloth, and Five Shillings upon a Short Cloth, and Three Shillings upon a dyed or coloured Cloth, by the Merchant Adventurers.

THERE is a Penny Hallage paid for every Cloth brought into *London* ; which is paid and employed towards the Relief of the Hospitals there, and amounteth unto above Five Hundred Pounds *per Annum*.

THE Merchants Adventurers of *England* may, by their Patent, transport divers Merchandises besides Woollen Cloth, as Lead, &c. and have some of their Company in most Places of the Kingdom.

MR. *Lister*. That the Merchants Adventurers have imposed Eight Pence on a Fodder of Lead ; which Imposition comes to the Merchants own Hands.

Serjeant *Danvers*. That he hath read, that all Companies of Merchants do exercise a Kind of Monopoly :—That it hath been questioned, whether the King could lay an Imposition upon any thing or no ; but it is without all Question, that the Merchant Adventurers cannot impose any thing on any Commodity.

MR. *Lister*. That the said Eight Pence on a Fodder of Lead is not paid by Consent ; or, if it be, it is a compulsory Consent, and by such as are not of the said Company of Merchants.

MR. *Kettleby*. That he knoweth (being in *Germany* of late Years) that, when the Patent of dyeing and dressing our Cloths first came up, the People of that Country (seeing the Poor which they were wont to



to set a Work, deprived by that Means of their Labour, so that they must lie on their Relief or starve, and seeing the Cloths they had from us were ill dress'd and worse dyed) sent into *Cleves* and other Parts thereabouts (where they had the Art to make our Kind of Cloth) for Workmen to make up their own Country Wool; whereof they have good Store, albeit it be not so fine and good as our's; and which they were before wont to send over the *Alps* and Mountains into other Countries: And they were the rather also induced to do thus, because our Cloths, by Reason of the Multitude of Impositions, are daily enhanced in their Prices.

MASTER of the Wards. That it is likely to be as the Gentleman that spake last saith; for the coarser Cloths are fallen more beyond Sea than the finer are: and it appears by the Books of the Custom House, that there have not been sold of dyed Cloths in a Year, above Six Thousand Cloths; and the first Year of the coming of that Patent of dyeing and dressing there was lost the Sale and Vent of Twenty-five Thousand Cloths, of the Number that were sold by the Merchants the Year before.

SIR Thomas Lowe. That *Spanish* Wool will make as fine Cloth as our Wool, but they have not such Plenty of it as we have of our's, and therefore must buy some of us, their own Country not yielding enough for their own Provision:—That the Year before the Patent of dyeing and dressing of Cloths, the Merchants sold and uttered Sixty-five Thousand Cloths; and this last Year they uttered but Thirty-five Thousand Cloths; so by that wicked and unfortunate Project we have lost half our Trade of Clothing.

*Wednesday, March 14.*

ALL Counties of *England* have their County Courts kept once a Month, except the County Palatine of *Darham*, where their County Court is kept once every

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every Fortnight; and for this Reason, whereas the Choice of all Knights, Citizens, or Burgesſes for Parliament in other Counties, is to be made by the Law at the next County Court after the Writ cometh to the Sheriff, it is enacted, that the Sheriff of this County of *Durham* shall publish the Writ for the Election of the Knights, Citizens or Burgesſes of that County, at the next County Court after the Writ is come to his Hands; and that at the next County Court after the publishing of the Writ, the Election shall be made, because that otherwise, by the often and sudden coming of the County Courts, the Freeholders, and those who are to make Election may be surpris'd.

SIR *Edward Cooke*, upon the second Reading of the Bill against Monopolies.

THAT it was never the Meaning of the Parliament that *John a Stiles* should have Power to dispense with a penal Law, but that that Mercy should remain still and solely in the King's own Hand and Bosom, who will be most indifferent to all his Subjects; for when a Subject shall be apparelled with the Prerogative of the King, he will grow insolent, and it becomes presently an Oppression. For a King (being Father of the Country) will have a Care and charitable Consideration of a poor Man; which a Subject will never have, but will respect only his own Ends and Profit.—Monopoly is derived from *μονος*, i. e. *solus*, and *πωλειν*, i. e. *vendens*.—That all sole Importations and Exportations are Monopolies, and so were adjudged in 43 *Eliz.* in the King's Bench, in the Case of Sir *Richard Mompesson*, and in the Case of one *Grimstone*.

THERE was taken away by Sir *Giles Mompesson* Twelve Pounds worth of yellow Silk from one *Geere*; who said, had it been taken from him by a meaner Person, he would have indicted him for Felony:—That the Silk, having been detained from him eighteen Months, was after long Suit redelivered him again, without

without paying any thing more than giving a Pair of black Silk Garters to Sir *Francis Michell*.

THERE were outlawed above a Thousand Men in the Business of Inns and Hosteries.

SIR *Allen Apsley*, Lieutenant of the *Tower*, is called into the House to answer his committing some Men of himself without any other Commission for the Gold and Silver Thread, contrary to that Commission; whereby Power is given to no fewer than Two of the Commissioners to do any thing concerning that Business.—He saith, that he hath not meddled in that Business since these Two Years and half, and that he did never commit any as being of that Commission; but once, and that those were two Women.

THAT the great Men's Hands that were to the dateless Warrant Dormant led him to set his Hand to it, that he might not be thought over curious to refuse to do it, having such Men's Hands to it before him.

It is certified under the Hands of certain Merchants of *London*, that the poor Men, that refused to enter into Bond, not to work or meddle with the Business of Gold and Silver Thread any more, were threatened by Sir *Edward Villars* with perpetual Imprisonment for refusing.

FOR the Business of Concealments granted to Sir *Giles Mompesson*, he employed one *Guelder* (who hath been punished for Forgery) as a Commissioner for the Enquiry of concealed Lands, and he was to have had One Hundred Pounds *per Annum*. He found an Almshouse in *Reading*, at Five Shillings, and so divers other Almshouses, Hospitals, Church Lands, Advowsons, Encroachments, *Blackdown*, Parcel of the Forest of *Chute* in *Wilts*, Reversions in the Crown, albeit the Rents were answered for the same, Woods in the King's Possession, &c. He hath found in all Three Hundred and Thirty Particulars, whereof the Rent is but Forty-three Pounds *per Annum*, which

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is Parcel of his Two Hundred Pounds *per Annum* of Concealments.

*Wednesday, March 14.*

COMMITTEE. Concerning Abuses of Courts of Justice.

MASTER of the Wards. That on the Petitions of Bankrupts, shewing that they are willing to give Satisfaction to their Creditors, but are unable to pay all they owe, and, having compounded with some of their Creditors, they beseech his Majesty to be pleased to grant the Petitioner his Letters of Protection for some Time, that he may have Liberty to go and compound with the rest of his Creditors, which Petition the King doth usually refer to some Men to mediate and compound, and end if they can; but will not (if there may not be reasonable Satisfaction given to the Contentment of the Creditors) that the Course of Justice be staid:—That an Injunction was granted by the Lord Chancellor to stay all Suits begun against Sir *Henry Finch*, and so protected the said Sir *Henry*, that none of his Creditors could recover their Debts, or know how to come by their Monies from him.

THE Master of the Wards saith, that the Business of Sir *Giles Mompesson* is but a Trifle compared to these Kinds of Injunctions, which strike at Men's whole Estates:—That it were as good a Man took away a Man's Purse, as hinder him to recover by Justice his due Debt:—Biddeth us be bold to proceed in this, for he is sure that the King will never countenance any Authority that shall stay the Course of Justice; for of his Knowledge, and in his Hearing, the King disclaimed that ever he gave Order that his Name should be used in such Business.

SIR *Bapt. Hicks*. That one *Dorrington* owing him Two Hundred Pounds, being protected by the Lord Chancellor, is now fled, and so he hath lost his Debt:---



Debt :--- That Sir *Henry Finch*, Serjeant, Mr. *John Finch*, and Mr. *Nathaniel Finch*, owing him likewise Two Hundred Pounds, have the like Protection by the Lord Chancellor's Means; and so he is also debarred to recover that Debt also by any Course of Justice:---That he desireth not of these Men any more than his own principal Debt, being lent out of his Purse two Years since:---That another called [ . . . ] owing him Two Hundred Pounds more, for which he had Judgment against his Debtor; yet delayed the Execution of it, being unwilling to press too heavy on him, if he might be satisfied otherwise, as the Party promised very fairly to give him every Day Satisfaction, till at length he procured Means from the Lord Chancellor to protect him; on which Protection Sir *Bapt. Hicks*, for proceeding in due Course of Law, was, as he rid in the Street in *London*, attached, for seeking duly his own.

MR. *John Finch*. That he cannot deny but he stands engaged for his Father in a Debt of Two Hundred Pounds to Sir *Bapt. Hicks*:---That it was not any Desire he had to deceive Sir *Bapt.* or Hope to escape free from the Payment of at least Part of the Debt which led him into that Bond; but he knew not how to deny his Hand to him, that had given you his Body; and it is more pious to speak for his so doing than against it, neither doth he repent him of it, albeit it hath brought on him so much Damage and Loss:---That he never touched Penny of the Money, but must confess himself no freer from Law than if he were a Principal, for so he is in Law:---That he was never acquainted with the Petition presented to his Majesty, nay, he desired there might be none such; neither did the Lord Chancellor (to whom the World knows he is infinitely tied for his Favour) ever grant this Protection at his Motion; for the Order granted for a Protection to his Father is not the first that hath been granted

granted in that Kind, but he thinketh that it is the last of this Nature that his Lordship hath granted.

MASTER of the Wards desireth, that he may have a Copy of the Order made by the Lord Chancellor for a Protection to Serjeant *Finch*, &c.

SIR *Edward Cooke*. That he cannot believe that there is such Proceedings in any Court of Justice; and therefore desireth, that the Bill, Orders and Injunctions may be brought into the House.

SIR *John Walters*. That there are two Kinds of Bills of Conformity: The one for the principal Debtors, which is granted if the Debtor have had Loss at Sea, by Fire, &c. and then if some stand out, who are the less in Number, their Debt less, and their Security not so good, so as they had no Reason to be so obstinate; upon the exhibiting a Bill of Conformity, they are compelled to take the like Composition as the others, to whom more was owing, had made. The other for the Sureties, when as the principal Debtor hath secretly compounded with his Creditors, and, the principal Debtor afterward dying, the Creditor sues the Sureties, in this Case the Sureties have a Bill of Conformity.

SIR *Dudley Digs*. That, as Sir *Edward Cooke* said, anciently the Chancery could not relieve any Man but in Cases of Covin, Accident, or Breach of Trust, and in which Cases the Chancery hath used to grant Injunctions, but now it is to be feared that the Latitude of the Jurisdiction of that Court hath brought in the many Mischiefs that are now complained of by all Men that have to do in the same. He desireth there may be some Course taken, that it may not lie in the Breast of one Man (be it who-soever) to use so large a Power, but that he may by some Means be tied to the old Rules and Bounds of the Chancery, which is only to mitigate the Rigour of the Law.

MR. *Glanville*. That these Kinds of Injunctions of Protection are many Times but Colours for the Debtor

Debtor to keep and retain other Men's Estates (wherewith he is trusted) in his Hands, and so, by compounding for his Debts, he reserveth many Times a great Estate to himself, far more than would have paid all that he owed to his Creditors.

MASTER of the Wards would not that Distinctions deceive us, for the Reasons of granting Bills of Conformity are never or rarely observed; and therefore desireth that all Petitions, Bills, Orders, References, Injunctions, Letters, and Proceedings in this Kind may be brought into the House to be perused.---That there have been also Letters sent to Creditors to desire them to forbear to sue for their Debts, and these Kind of Letters from such great Men are as so many Commands.

*Bribes given  
to the Lord  
Chancellor  
Bacon.*

MR. *Christopher Abry* presenteth a Petition unto the House, which is read openly, himself standing by; whereby he expresseth, that he was dismissed out of the Chancery in a Cause between him and Sir *William Bruncker* on Bill and Answer: after which the Petitioner had a Judgment in the Exchequer, the now Lord Chancellor, then Attorney, being then of Council with Sir *William Bruncker*:—That he hath been much oppressed by the Delays of his Adversary since that in the Chancery, and after [ . . . . ] Orders, and [ . . . . ] Decrees, he was persuaded by his Council (whereof Sir *George Hastings* and one *Jenkins* of *Grays Inn* were two) to give One Hundred Pounds to the Lord Chancellor that now is, which he did, by the Hands of Sir *G. Hastings*; and yet could get no just Proceedings, having spent in the Suit near Two Thousand Pounds.

SIR *George Hastings* denieth absolutely, that he ever advised Mr. *Abry* to give the Lord Chancellor One Hundred Pounds; but saith, it is true that he gave to the now Lord Chancellor a Box, he knows not what was in it; and that, when he gave it to the Lord Chancellor, he told his Lordship that Mr. *Abry* had been to him a bountiful Client, and therefore he

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he thought it his Duty, in this to exprefs his Thankfulness to his Lordship, beseeching his Lordship to do the poor Man Justice without Delay; and that his Lordship took it, saying, it was too much.

MR. *Edward Egerton* presenteth likewise a Petition unto the House, which is also read openly, himself standing by. Sheweth, That he gave to the now Lord Chancellor, then Lord Keeper, in Plate, Fifty-two Pounds, Ten Shillings; and that, by the Hands of Sir *Richard Young*, Sir *George Hastings* being then with Sir *Richard*, he presented also Four Hundred Pounds in a Purse or Bag: and that Sir *Richard Young* told him he had delivered it to the Lord Chancellor, who returned Thanks to this Petitioner, and said, that he had not only enriched him, but laid a Tie on him to do him Justice in all his rightful Causes.

THAT one *Sharpey* (sometime Steward to the Lord Chancellor) told your Petitioner, that if he would give One Thousand Pounds more to the now Lord Chancellor, and One Hundred Pounds to him, that then he should have a Decree for all the Lands in Suit between him and Sir *Rowland Egerton*.—He saith further, that the Four Hundred Pounds was given by Sir *Richard Young* and Sir *George Hastings* shortly after the Lord Chancellor was made Lord Keeper, but the Plate he delivered a little before with his own Hands.

SIR *Richard Young*. That the Lord Chancellor was of this Gentleman's Council, when he was Solicitor and Attorney General:—That himself and Sir *George Hastings* did, at Mr. *Egerton's* Entreaty, deliver a Purse of Money to the now Lord Chancellor, he then being busy at his Chamber at *Whitehall*, so that Mr. *Egerton* would not come to his Lordship to deliver the Money himself:—That, when they first offered it to his Lordship, he gave a Step back, making some doubt whether he might take it or no, yet took it, saying it was true, he did Mr. *Egerton*



the best Service he could, when he was of his Council, and therefore would take it.

MR. *Egerton* being examined, saith, That when this Money was given to the Lord Chancellor, he had two or three Suits depending in the Star-Chamber:—That this Money was given to the Lord Chancellor, presently upon the King's going into *Scotland*.—He saith further, that he acknowledged a Recognizance of Ten Thousand Pounds to Doctor *Field*, now Bishop of *Llandaff*, and one *Randal Dampport* or *Davingport*, with a Condition, that if this Examinant, by the Mediation of the said Bishop, or *Dampport*, or of any other by their Means, should recover the Lands in Suit in the Chancery between this Examinant and Sir *Rowland Egerton*; then were the said Doctor *Field*, and the said *Dampport* to have Six Thousand Pounds of this Examinant, to be levied out of the Lands which this Examinant should so recover: If he did not recover, then the Recognizances to be void. The Condition, or Defeazance, in Nature of a Condition, was read in the House, and it was to such Effect.

THIS Condition is confirmed by two Letters (shewed in the House) written from the said Bishop, in one of which he promised (*in verbo sacerdotis*) that, if the said Mr. *Egerton* had not a good Success in his Suit, that then he would redeliver him his Recognizance again.

MR. *Egerton*, being examined, saith, that Mr. *Johnson*, the Lord Chancellor's Gentleman Usher, sent to him to come to him this Morning; when he told this Examinant, that, if he would withdraw his Petition, he should in the Afternoon go to the Lord Chancellor, and should have the Money he had given restored to him (if he had delivered any) and good Satisfaction.

MR. *Johnson* saith, That he sent not for Mr. *Egerton*, but he coming in the Morning to speak with him, he wished him to be advised, for he understood  
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he had exhibited to the Parliament a scandalous Petition against his Lord: And wished that himself should get Sir *Richard Young*, and Sir *George Hastings*, and go all together to the Lord Chancellor, and make an End of it; and he doubted not, if he had given any Money, but he might have it again: And this, *Johnson* saith, he did of his own Head, thinking that the Fault and Money remained in Sir *Richard Young's* and Sir *George Hastings's* Hands.

Mr. *Noye*. That it is not good to have a Scandal stick long on a publick Magistrate: That here it is said that some Money was given to some Man, to whom so much was not due or owing; it were good that with all convenient Despatch the Truth were searched into; and because it is confessed by an Instrument, that Money was given, he thinketh it not needful that the Complainant should be bound to stand to prove his Accusation, which is the Course in like Cases, especially when it concerneth so great a Man; but wisheth, for the clearing of so great a Magistrate, that we should proceed with Speed.

Mr. *Finch*. That he never knew any thing of this Business, albeit he hath been of Council, and much employed by *Egerton*, in this Cause.

It is agreed by the Committee to move the House for to have Order to proceed in this Business again tomorrow in the Afternoon, for the more speedy clearing of the Lord Chancellor.

Mr. *Mewtas*. That he shall not need to profess how much he is bound to the Lord Chancellor: all that know him know it. That he perceiveth the Lord Chancellor's Actions shall pass Purgatory, and he hopeth others shall do the like, for he seeth the Way is already chalked out: he desireth, that he may have Copies of the Petitions delivered against his Lord, and of the Letters written by the Bishop of *Llandaff*.

It is answered, that it is against the Course of Parliament to grant Copies of Petitions delivered into that House.

MR.

MR. *Mewtas* being asked, what he meant by saying, he seeth the Way chalked out, saith, that he meaneth the Order and Course that is held by this House, for the examining of the Abuses of the Courts of Justice.

Thursday, March 15.

Petitions and  
Complaints a-  
gainst the  
Lord Chan-  
cellor.

SIR *Robert Phillips's* Report of the Abuses of Courts of Justice. Saith, That there is presented against the Lord Chancellor, two Petitions, the one by Mr. *Abry*, the other by Mr. *Edward Egerton*; both of them charging the Lord Chancellor with Corruption, being a Man singularly endued with all the noble Parts of Nature and Art. That *Abry* saith, that he, being wearied with Delays, was persuaded by his Council (whereof Sir *George Hastings*, and one Mr. *Jenkins* of *Gray's Inn* were two) to give One Hundred Pounds to the Lord Chancellor:— That the poor Man, albeit he wanted Money, yet (being glad by any Wind to be brought to his Port) took up at Interest One Hundred Pounds and delivered it to Sir *George Hastings*, desiring him to present it to his Lordship. Sir *George Hastings* confessed, that he consented to the Advice (being willing to do any Good for his Client) but gave not that Counsel; that, after he had received the Box of *Abry*, he went presently to the Lord Chancellor, and presented the same to his Lordship as from himself, not from *Abry*, telling him that *Abry* had been a bountiful Client to him, and desired his Lordship to do him Justice with Expedition; but for all this poor *Abry* found no Good or Remedy.—For Mr. *Egerton*, that he gave to the Lord Chancellor in Plate with his own Hands to the Value of Fifty-two Pounds and Ten Shillings; and also by the Hands of Sir *Richard Young*, and Sir *George Hastings*, Four Hundred Pounds more in Gold, who delivered it to the Lord Chancellor, as a Token of *Egerton's* Thankfulness

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fulness to the Lord Chancellor for his Pains and Care of this Cause, when he was Solicitor: That the Lord Chancellor took it (as is before) saying, *Egerton* had not only enriched him, but laid a Tie on him to do him Justice in all his rightful Causes. And this is it which the Petitioners mention, concerning the great Keeper of the King's Conscience, That there was a Recognizance of Ten Thousand Pounds, and acknowledged before Sir *Robert Rich*, unto that Reverend Prelate now, then a practical Doctor, *Field*, Bishop of *Llandaff*, and one *Davenport*, with Condition that, if the Cause between him and Sir *Rowland Egerton* passed for the Petitioner, then Six Thousand Pounds was to be paid by *Egerton* out of the Lands that should be decreed, unto such Persons as should be the Cause of passing a Decree, as is before. Another Part of the Petition of *Egerton* mentioned, that one *Sharpey* (then Steward to the Lord Chancellor) did divers Times talk with this Petitioner, that, if he would give One Thousand Pounds, then he should have a Reference.—But *Sharpey* denieth that he ever had any Conference with *Egerton* about any Money.

SIR *Edward Cooke*, at his own Motion, hath Order from the House to desire of their Lordships, that the Delivery of the Business of Sir *Giles Mompeyson* in Writing may not be drawn into Precedent, but that hereafter we may deliver the like Businesses by Word of Mouth to their Lordships, according to the ancient Custom of this House.

“ AN ACT for the Ease of the King's Tenants in the long and chargeable Pleading of Alienations with License, or Pardons of Alienation without License in the Exchequer.”

By this, that the Treasury Remembrancer shall take but Ten Shillings for pleading of an Alienation with License, and but Twenty Shillings for pleading of a Pardon of Alienation without License; and, if



if he take any more, he shall pay Ten Shillings for every Penny so taken above the Fees herein expressed.

SIR *John Strangeways*. That the Post Nichills, and Respectuaries may be considered of by the Committee appointed for the Bill of passing of Sheriffs' Accounts.

SIR *Edward Cooke*. *Wales* was reduced by King *Henry 8.* to the Government of the Laws of *England*.—That he remembereth, that Sir *Henry Yelverton*, when he was Attorney General, and of this House, said, that the King would not have his Prerogative made a Stalking Horse for private Men's Debts.

MR. *Laspher*. That there is one *Francis Lovell*, a Grocer of *London*, protected by some of this House, namely, Sir *Thomas German*, and Sir *Richard Grovesnor*; whereby he defraudeth not only his ancient Creditors, but taketh up of Strangers every Day Goods at any Rate, saying, he will pay them if they will go to his House with him; and having locked up their Goods, which he hath bought by Bargain, he telleth them he hath no Money, but, if they will come the next Day, they shall have it, and so putteth them off till they threaten to arrest him, when he dareth them to their worst, shewing to them a Protection from one or both of these Gentlemen.

THESE Gentlemen say, they have both been abused by the Friends of that Fellow; for they were told, he owed not much, and being an honest Man, and willing to pay his Debts, desired a Protection only for a Week, that he might go freely to his Creditors, and to his Council to compound with them; that they will forthwith withdraw their Protections.

\* [This Bill hath been thrice read and has passed this House.]

\* [This Bill was recommitted to have the Counties Palatine of *Chester* and *Durham* inserted into it.]

SIR

SIR *Edward Cooke*. That it is the Order of the House, that no Man ought to protect any one but such as is his ordinary Servant, or all his ordinary Servants.

SIR *Edward Cooke* reporteth, that he did tell the Lords, that on all Conferences between their Lordships and this House the Use ever had been, that all should be delivered by Word of Mouth, and not by Writing; and therefore desired, that this might be no Precedent for future Times, that we (at their Lordships' Request) did deliver this Business of Sir *Giles Mompesson* in Writing.—That the King in his Book hath set down, that the Granting of any Patent of Dispensation of penal Statutes was against the Law, and his Majesty's Ground was from the Judgment of Chief Justice *Popham*, Chief Baron *Periam*, Judge *Wamesley*, and all the Judges of *England*, who delivered their Opinions so in 2 *Jac.* Their Reason was, that it is a Scandal to Justice, that a Subject should dispense with penal Laws. The King's Privy Council (who are the King's Representative Body) afterwards confirmed the Opinions of those Reverend Judges herein.

THAT King *Philip* (when he came to marry Queen *Mary*) first landing at *Southampton*, granted them (for their noble Entertainment of him) a Monopoly, that all Sweet Wines brought into *England* by Strangers or others should be landed in *Southampton*. This was found a Monopoly by a Parliament in Queen *Mary's* Time, yet the Parliament did grant that all Strangers should bring in all such Kind of Wines only to *Southampton*, and so it stands yet:—That Sir *Richard Mompesson* (not this Sir *Giles Mompesson*, but an honest Gentleman) had the sole Importation of Shumach and Anniseed, which are Drugs; and this, being by a *Quo Warranto* brought into the King's Bench, was there adjudged void in Law, as being a Monopoly.

FOR

FOR Sir Giles Mompeyson's Grant of Concealments, it robbeth the Crown of its Revenue, and by this Grant he robbeth the Church of her Inheritance:— That *Christ* surely would have been more severe to him that robbeth the Church, than to them that sold in the Church. *Privatum lucrum* was that which overthrew *Rome*; the Hearts of the Subjects are the Riches of the King. A Friar, having spent all his Time in Devotion and Study in his Cloister, went to see the Manner of *Rome*, and the Churches there; and, being appointed to preach, when he came up into the Pulpit, said nothing but *Matto S<sup>to</sup>. Pierro*, *Matto S<sup>to</sup>. Pierro*, *Matto S<sup>to</sup>. Pierro*, which is, St. Peter *was a Fool*, St. Peter *was a Fool*, St. Peter *was a Fool*, and so came forth of the Pulpit: the Auditors, wondering all what he should mean by this, came and asked him, what moved him to carry himself so, and to say those Words; whereto he answered, that Saint *Peter* said, that he endured here in this World, nothing but Crosses, Poverty, and Vexation, that he might come to Heaven; and that you here at *Rome* have found out a new Way to Heaven far more pleasant, for here you live in all Pomp and Pleasure, and go to Heaven without feeling of any such Miseries as St. *Peter* did. And Sir *Edw. Cooke* saith, that we may say *Matto Empson*, *Matto Dudleo*, that *Empson* and *Dudley* were Fools; for *Seignoro Mompeyson* had lived at more Pleasure, and done greater Injuries than they had done, and yet escaped Hanging.

The Prince is seised of the Dutchy of *Cornwall* by a special Kind of Inheritance, not usual or accustomed by the ordinary Course of the Common Law; and therefore it is doubted, whether the Leases made by his Highness be good in Law or no: which is the Cause that his Highness desireth it may be enacted, that all Leases of three Lives, or under, and also of Thirty-one Years or under, or of Years determinable on three Lives, shall be good in Law, against his Highness, or the King, or their Heirs or Successors,

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Successors, and also all Conditions reserved on any such Lease shall be good in Law.

This Bill came to us from the Lords, and is sent up (being little amended and with a Proviso annexed in Paper) above, *honoris gratia*, by Sir *Edward Cooke*.

THERE is to be added to the Heads of Inconveniences of Courts of Justice, a Ninth and Tenth Head; *viz.* Ninth, that there may be set down a shorter and less chargeable Course for Traverses; Tenth, for the assigning of Debts.

MR. *Alford*. That some Order may be taken, that the Woods of a Ward may not be cut down during his Minority; which hath been the greatest Cause of Decay of Wood and Timber in this Kingdom.

MR. *Sherfield*. That of late there have been granted Letters of Assistance to Sheriffs to deliver Possession out of the Chancery and other Courts; that may likewise be considered of with the rest of the Heads of Inconveniences in Courts of Justice.

SIR *John Grantham*. That there may be added to the Rest of the Heads of Inconveniences of Courts, that there may be no Injunctions granted out of Chancery, after Judgment given in other Courts.

It is ordered, that the Grand Committee for Abuses of Courts of Justice shall appoint several Sub-committees for all the several Heads of Inconveniences of Courts of Justice.

*John Harvey* examined, saith, that he and one Mr. *Bunson* (by Warrant from the Serjeant of this House) going to serve the Warrant of this House on one *Roger Preston* and *William Martin* (who made the Certificate to Sir *Giles Mompesson*, that *Quick* was an honest Man, and one who was fit to be licensed to keep an Inn, albeit he had been suppressed by the Justices of Peace in the County of *Devon*) where they were drinking at *Quick's* House; *Preston* took from this Examinant both the Warrant he had from the Serjeant, and the Order of this House, and kept them away from him (this Examinant having delivered



vered it to him only to read) and that *Preston's* Brother did abuse and beat this Examinant, and that the Father of the said *Preston* (notwithstanding he was required by this Examinant) did not assist him in the Performance of the Execution of this Warrant from the Serjeant, according to the Order of the House, for the bringing up of the said *Roger Preston* and *William Martin*.—It is hereon now ordered by the House, because the said *Roger Preston* and *William Martin* have not obeyed the former Order, and the Warrant given by the Serjeant, that our Serjeant shall depute a Serjeant at Arms to bring up the said *Preston* and *Martin*, and also *Preston's* younger Brother, and that for the strengthening of the Warrant, that all his Majesty's Officers shall be assisting in the Performance of the same.

SIR *Robert Phillips*. That on the Business concerning the Registrars' Abuses, there was accused one *Breers*, of the County of *Southampton*; who being unknown to the Committee, at their Entreaty, Sir *Richard Gifford* did certify them both of the Quality and Course of Life of the said *Breers*; who, understanding of the Certificate made by Sir *Richard Gifford*, did come into the Exchequer Chamber, and there upbraided him, saying that, albeit he were now a Parliament Man, yet after the Parliament he would talk further with him.—It is hereon ordered by the House, that this *Breers* should be sent for.

SIR *Thomas German* saith, he gave *Francis Lovell* Protection last *Tuesday*, not knowing him to be a Grocer or Tradesman, but took him to be a Gentleman; and that, when he understood that he was a base Fellow, he recalled again his Protection.

MR. *Sherfield*. That it is the Service which ought to be a Parliament Man's Protection, and that none ought to have any Protection, nor any Parliament Man to give a Protection, but only a Declaration that such a one is his Servant.

*Thursday,*

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Thursday, March 15.

COMMITTEE. Concerning Abuses of Courts of Justice.

MR. *Abry* gave, by the Hands of Sir *George Hastings*, the One Hundred Pounds July 1, 1618, and there was the Killing Order against him, July 13, 1618.

SIR *George Hastings* saith, that he did give the One Hundred Pounds to the Lord Chancellor, telling his Lordship that he had received the same of *Abry*, and did use *Abry's* Name in it, plainly to move the Lord Chancellor for Remedy for the poor Man; and said, that he had suffered infinite Injury in this his Cause by an Order unduly made: and that he told the Lord Chancellor a Fortnight since, that, if he were called to his Oath, he must speak the Truth, and lay it on his Lordship, and therefore besought his Lordship, both for his Lordship's Honour and his own Reputation, that he would be pleased to prevent it by giving *Abry* some Relief and Satisfaction; that his Lordship answered, Well, *George*, if you lay it on me, then I must deny it on mine Honour.

MR. *Jo. Finch*. That Love nor Fear shall make him spare to speak his Conscience:—that he hath always loved Sir *George Hastings*, but he must needs say, that it is strange to hear a Gentleman so nobly descended so ungratefully to accuse so great a Man, to whom he is so much bound, and who is likely to perish by the Testimony of him who hath ever been so near and dear unto him:—That he thinketh, Sir *George Hastings* did take the Money of *Abry*, but did never give it to the Lord Chancellor.

SIR *George Hastings* saith, that Yesterday after the Rising of the Committee he and Sir *Richard Young* both waited on the Lord Chancellor, to acquaint him with Mr. *Egerton's* charging of them, that he delivered them the Four Hundred Pounds for his Lordship, and that they brought the said *Egerton* Thanks from

from his Lordship in the Manner and Words before expressed :—That his Lordship then told him and Sir *Richard Young*, in the Presence of the Lord *Cavendish*, that if they did say, that his Lordship received the same from them as sent or given by *Egerton*, his Lordship must deny it on his Honour.

SIR *Richard Young* said, he could neither add nor alter what Sir *George Hastings* had said in this, concerning Mr. *Egerton*. (72)

MR. *Egerton* being examined, saith, that he cannot produce so many Orders as he once had in his Cause, because the Lord Chancellor hath inveigled one of his (the said *Egerton's*) Men from him, who had the keeping of those Orders, and all the Writings concerning his Suit, but that he would procure other Copies of them.

ONE *Merrifield* a Scrivener, examined, saith, that he took up Four Hundred Pounds of Sir *William Craven* for Mr. *Egerton*, and put it for him into Gold; and that Mr. *Egerton* told this Examinant, that Sir *Richard Young* was to present it for him to the Lord Chancellor, being then Lord Keeper, for to do him Justice in his Cause, one Part whereof was then depending, and the other decreed :—That not long after Mr. *Egerton* told this Examinant, that that Four Hundred Pounds was given to the Lord Chancellor, and that he hoped well of his Cause.

MR. *Tarleton*, the now Solicitor of Mr. *Egerton's* Cause, examined, saith, that there was a Suit depending in the Chancery, when the Money was given, between the said Mr. *Egerton*, and Sir *Rowland Egerton*; for there was on Order made 28 *Maii*, and 2 *Junii* another Order was made for Mr. *Egerton*, and that the Four Hundred Pounds was given 10 *Junii* after; and that in *February* after that, there was an Award on a Reference made by the Lord Chancellor against the said Mr. *Egerton*, who was tied in a Bond of Ten Thousand Marks, and so was likewise Sir *Rowland Egerton*, to stand to the Lord Chancellor's



cellor's Award ; and that when Mr. *Egerton*, disliking the said Award, would have fled from it, the Lord Chancellor delivered his Bond to Sir *Rowland Egerton*, and advised him to prefer a Bill into the Chancery accordingly, and that then his Lordship would decree the Award ; which accordingly was done, and so the Petitioner lost his Estate and Suit.

MR. *Randol Davenport*, Servant to the now Lord Chancellor, examined, saith, that Mr. *Egerton* did acknowledge before Sir *Robert Rich* a Recognizance to this Examinant, and Dr. *Field*, now Bishop of *Llandaff* ; and that the Reason was, that Mr. *Egerton* his Cause being shortly to be heard, and having Witnesses to be examined, the said Mr. *Egerton* tied himself by that Recognizance to pay Six Thousand Pounds to the Cognizees, if that they, Mr. *Butler*, or any or either of them, or any other by their Means would procure the Lord Chancellor to stay the Proceedings, until he had examined his Witnesses :— That hereupon Mr. *Butler* and this Examinant went to the Court to the now Lord Admiral, desiring his Lordship's Letter to the Lord Chancellor for staying of the said Hearing accordingly ; but, as soon as the Lord Admiral had heard their Desire, he answered them, that this was a Request neither honourable for his Lordship to make to the Lord Chancellor, nor just for the Lord Chancellor to grant ; for the Cause was decreed before they came to him to the Court : and hereon the Cognizees desisted to labour any further in this Business. He saith, that Dr. *Field* and himself were to have both of them great Shares : he knoweth not the direct Sum, but it was more than he thought could be justly given or received for any Business in a Court of Justice.

MR. *Egerton* saith, that Dr. *Field* was to have a great Share of the Six Thousand Pounds.

SIR *George Hastings*. That *Churchill* was the Registrar that drew up the killing Order against Mr. *Abry*,



*Abry*, by Notes from some of the Chancellor's Servants.

Friday, March 16.

"AN ACT for the enabling of Mr. *Redford* to make Sale of Lands in [ . . . . . ] in the County of *Wilts.*" Which Lands, being leased by his Father to Mr. *Digs* and others for Two Thousand Years, were by Order of the Court of Wards to be reassured by the said Mr. *Digs* and the others, unto the said Mr. *Redford*, because it was thought it was leased only to defraud the King of his Ward: which said Land being charged for the Payment of Portions to the said Mr. *Redford's* Sisters, he desireth by this Act Liberty to sell the said Lands, for the paying of his Sisters' Portions.

SIR *Edward Sackville*. That the Lord Viscount *Mountague* trusted Sir *Francis Inglefield* and others with Money or Lands to the Value of Twenty Thousand Pounds; and Assurance thereof was made to the said Sir *Francis Inglefield* and others, only for the Payment of his Lordship's Daughters' Portions, as the Lord *Mountague* should appoint it to be paid:— That the Lord *Mountague* gave with one of his Daughters to the Lord *St. John* (Son and Heir of the Lord Marquis of *Winton*) Ten Thousand Pounds, so assured in Trust to Sir *Francis Inglefield* and others; but that the said Sir *Francis* now refuseth, according to the Trust reposed in him, to pay the said Portion, or any more of it than One Thousand Pounds; whereby the Lady is debarred of her Portion given her by her Father, which hath been the Cause of many Inconveniencies and Discontents that are risen between the said Lady and her Husband:—That Sir *Francis* hath paid no more of the said Twenty Thousand Pounds, than that One Thousand Pounds, and Five Thousand to Sir *Francis Terret* for a Portion with his Wife, one other of the Daughters of the Lord *Mountague*.

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MR. *Alford*. That Sir *Francis Inglefield* denieth that this Money was thus assured to him in Trust, but saith he hath spent Five Thousand Pounds in the Suit, and desireth to be discharged,

SIR *Edward Sackville*. That it is true, that Sir *Francis Inglefield* doth claim this Money, or Part of it for himself, or some of his Children, who are allied to the Lord Viscount *Mountague*.

SIR *G. Moore's* Report of Sir *Thomas Wentworth's* Case.

THAT Two of the Constables say, that they ever use to say in their Warrants, "will and require," when they do but desire; and that, when they command, they say in their Warrants, they charge and command in the King's Name: but that they both affirmed, that Sir *Thomas Wentworth* did but desire the Freeholders to come to *York*, and there to choose him the said Sir *Thomas Wentworth*, and Sir *George Calvert*, Knights of the Shire, if they thought them fit Men, and liked of them.

Sir Thomas Wentworth's Case concerning his Election.

LORD *Clifford*. That one *Wansford* and others did witness to the Committee, that, they being at the Election at *York*, there were not above One Hundred Freeholders for Sir *John Saville*, and that there were Two or Three Thousand Freeholders for Sir *George Calvert* and Sir *Thomas Wentworth*.

SIR *George Moore*. That the Committee was of Opinion, that the Election of Sir *George Calvert* and Sir *Thomas Wentworth* was good.

It is accordingly confirmed by the House.

IN Sir *Robert Flood's* Case for the Burghership of *Minehead*.

SIR *George Moore*. That that Borough hath not Burgeſſes by Virtue of the said Patent, which was for the Maintenance of the Haven, only:—That Sir *Robert Flood* sheweth not Records to prove there have been Burgeſſes sent from *Minehead* to the Parliament before Queen *Elizabeth's* Reign:—That the Reason is, because of the Neglect that hath been of keeping of

of Records before that Queen's Reign; for there are Thirty other ancient Borough Towns (which were named to the Committee) for which there are no Records extant to prove they have sent Burgeffes to Parliament.

SIR Henry Witherington moveth, that the Constables of *Yorkshire* may be severely punished for Example to terrify others, that none hereafter presume thus unduly to prepare an Election, by Warrants to command any Freeholder to elect any Man.

SIR George Manners. That the Punishment of the Constables may be at the Sessions in the County.

SIR Samuel Sandes. If Judgment be precipitate, whither will Justice fall? Tumultuous Thoughts overthrow Justice. That Judgment cannot be clear, where Information is perplexed; and, where Judgment is not rightly informed, there Justice must fall:—That he should be glad that his rising up might pacify these Storms, and give an End to these Speeches.

A MESSAGE from the Lords. That those who are of this House, and can give Light to the Business of Inns, may be examined upon Oath by their Lordships; that they may proceed with a judicial Proceeding for the Punishment of those, who have been principal Executors and Meddlers and Actors in the same to the Grievance of the Subject.

SIR Edward Cooke. That every one who sitteth here is as a Judge, and hath a Vote negative in the making of the Laws of this Kingdom:—That the Judges of the Common Pleas, or of any Court, are never sworn as Witnesses in any Case, albeit they know of something concerning it, and can testify in it; but, if their Knowledge be asked, they answer it without an Oath:—That no Judge of the Star Chamber can be served with a *Subpœna ad testificandum* in that Court; and therefore none of us are to be examined as Witnesses in any thing whereof this House with the Lords are to be Judges.

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MR. *Noye*. That the Lords have no more Reason to desire any of us to be sworn to any thing that we have delivered to them, and wherein we desire them to join with us, than we have to crave to examine any of them for any thing that we receive from them.

SIR *Robert Phillips*. That, had the Lords been acquainted with such Cases as that which we have sent them, they would not have sent to us a Message to have any of us sworn as Witnesses: but desireth, that this may not breed (as it is to be doubted some set it on Foot for that Purpose) any Jar between us and the Lords, and so hinder our Proceedings in the great Business we have in Hand:—That we may answer, that since it is a Thing that may be prejudicial unto us, that their Lordships will be pleased to proceed on that which we have done; and, if they doubt of any thing, that Records may be looked into, which will clear all the material Doubts and Points of that Business.

ANOTHER Message from the Lords. That those Prisoners, which are with the Serjeant of the House, may be delivered into the Custody of their Lordships' Officer, that they may be ready to answer, as they shall see Occasion to call them, concerning the Examination of the Business which they have received from us.

THE last Message was by us accordingly presently yielded unto.

SIR *Edward Cooke*. That for a Member of this House to be examined on Oath in a Business sent from us to the Lords was never before desired:—That we were best to answer, that we have no Precedents that ever it was done, and that there is no Necessity in it, because the greatest Matters are sufficiently proved.

MR. *Wentworth*. That we with the Lords are but one Body, and therefore are not to be examined on Oath; but we may attend them to answer by Word

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without Oath to affirm what they shall desire to be affirmed.

SIR *Thomas Rowe*. That we, having already adjudged the Business, are not to be called as Witnesses.

CHANCELLOR of the Dutchy. That, if we will not have a Member of this House to be called to witness on his Oath, then what will become of the Business against the Lord Chancellor, which is principally testified by two Members of this House.

SIR *Dudley Digs*. That the Business against the Lord Chancellor is not of this Kind; and, if the Witnesses against him be found guilty of the Delivery of the Corruption and Bribes, that they are then to be held (in his Judgment) unworthy to sit as Members in this House.

MR. *Alford* holdeth it a preposterous Thing to be called as Witnesses in a Business, where we have before been Judges.

AFTER a long Debate and Dispute, this Business is ordered (because there may be some Cause to put to Death some of the Delinquents, and to punish them further than we have already judged it) That those of our House, that will go to take their Oaths in the Business preferred to their Lordships, may go voluntarily, if they will; but are not to go by Compulsion either from the Lords or this House; but they may go as if they were private Men, and not of this House.

*Friday, March 9.*

COMMITTEE. The Master of the Wards, before the Cause was began to be heard, said, that not only the Jurisdictions of the Courts of Chancery, and the Wards were in Hand; but the Justice also of the Cause: and he is confident, that which the Chancery hath done hath neither Justice nor Equity in it.

THE Merits of this Cause were never heard in the Court of Wards, as themselves confess.

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Hall and  
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ONE Mr. *Sewell* had a concurrent Lease of *Queen's* College in *Oxon*, for Twenty-one Years, of the Parsonage of *Upton Gray* in the County of *Southampton*, wherein Sir *Richard White* and his Executors had Two Years and *diem* to come: this Mr. *Sewell* did let a Lease (after the Two Years and *dies*, Part of Sir *Richard White's* Lease, were expired) to Mr. *Fuller* (who served the Cure there for Mr. *Sewell*) for Four Years; whereupon Sir *John Hall* sued *Fuller* in the Court of Wards, becaule that *Fuller*, contrary to the Ordinances (as *Hall* pretended) of *Queen's* College, and to a Promise of the Provost and Fellows there, had underhand gotten a Lease of that Rectory, to the Disseisin of the Ward, who was Son and Heir to Sir *Richard White*.

THE Court of Wards 9 *Feb.* made an Order and Injunction, that *Hall* should pay *Fuller* Forty Pounds for the serving of the Cure, and to yield up the Tithes for the Time to come; and 28 *Junii* a Dismission was granted of both Parties; and both the Cause and the Parties are left to seek Remedy in any other Court of Justice, and that they should leave to proceed in the Court of Wards.—1 *July*, the Cause was retained in the Chancery, and 5 *July* an Attachment went out of the Court of Wards against *Hall*, for not performing the Order of the 9 *Feb.*

THE Court of Wards hath no Jurisdiction or Power to meddle in a Cause wherein a Ward hath no Title or Interest.

It is alledged against the Order of the Court of Wards, that it was never known an Injunction was granted against a Plaintiff, unless there were some Cross Bill depending in Court, or some Order by Consent.

MR. *Holt*. That, upon Affidavit of the Possession held Two Hundred Years by *White* and his Predecessors, and upon Affidavit made 24 *Julii* of the Contempt of *Fuller* in not answering, having been served to answer in the Chancery 5 *Julii*, an Injunction

was granted out of the Chancery for *Hall* to have Possession, and a Writ of Assistance was granted by the Chancery to the Sheriff, to deliver Possession of the Tithes to Sir *John Hall*, according to the Injunction of that Court. There was out of the Court of Wards (before the Suit began in Chancery) a Writ of Assistance to the Sheriff to deliver Possession to *Fuller*, according to the Injunction of that Court. So as they are in Arms on both Sides; and the Sheriff hath Writs of Assistance to give Possession to both Sides, the one absolutely against the other.

HE that made the Affidavit in the Chancery, is said by the Court of Wards to be but Twelve Years old; and the other Side saith, he is but Fourteen Years old.

MR. *John Finch*. The First Question is, Whether the Court of Wards had any Jurisdiction of the Cause or no? If not, then all that hath been done by that Court hath been done as *Coram non Judice*. (76)

Secondly, Whether the Court of Wards hath done justly or no, to grant an Injunction to dismiss a Plaintiff, no Cross Bill depending in that Court?

Thirdly, Whether the Cause were dismissed out of the Court of Wards at first, or no; then whether it hath Power to retain it after it was dismissed.—He believeth this Business, if it were looked into, and the Truth searched out, was first a Jarring between the Master of the Wards, and the Attorney there; for he hath heard the Order of Dismission was made by the Attorney of the Wards, when the Master was not there, which was after not very well approved of by the Master of the Wards.

MR. *Noye*. That both Courts have done ill, and the Question is not, which Court hath done best, but which hath done worst.—Both Courts did ill to grant Writs of Assistance to the Sheriff for Possession: The Court of Wards did ill at first to retain the Cause, after the State of it was known not to concern the Ward: The Chancery did ill to grant an Injunction

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Injunction before the Defendant's Answer were in, or that he had been heard: And both Courts did ill to raise a War by their thwarting of Injunctions for Possession, and by granting of Writs of Assistance to the Sheriff.

MR. Sollicitor. That he seeth no Reason for the Order granted by the Court of Wards against Sir *John Hall*, who was no Way Party to the Suit there, for it was brought in Behalf of the Ward:—That *Fuller* might be justly committed for the scandalous Words he spake, but his Imprisonment then should not have been so long for Words as Four Months.

MR. *Mewtas*. The Ground that this Cause was retained to be heard here in this House, was to reform Abuses in Courts of Justice; and this by Reason of the Iteration of an honourable Gentleman who was deceived in his Expectation, notwithstanding he sat so near the infallible Chair: and so was another, who took to understand the Matter.—He hopeth the House judgeth by this, how unworthy this Business is to trouble so worthy an Assembly withal.

*Saturday, March 17.*

“ AN ACT for Security of Payment of an Annuity *L. 1.*  
 “ of Two Hundred and Forty Pounds *per Annum*  
 “ to Mr. *Peter Egerton*, according to the last Will  
 “ of Sir *John Egerton*, and a Decree made in the  
 “ Chancery.”—This is to be paid by Sir *Rowland Egerton*, out of Lands come to him from Sir *John Egerton*.

“ AN ACT for the naturalizing of Sir *Stephen Le- L. 2.*  
 “ *zure*, Knight, born in the free City of *Geneva*.”

“ AN ACT for the avoiding of insufficient Jurors.” *L. 1.*  
 By this it is to be enacted, that the Sheriff of every County shall deliver the Names of all the Freeholders of his County to the Justices of the Peace of that County; and that these Justices of Peace



(whereof there are Three are to be of the *Quorum*) shall cause a perfect Book to be made of the Names of all the Freeholders of that County (for which they are in Commission) who are fit to be Jurors; and the said Justice shall deliver to the Sheriff every Year such a Book, out of which he shall the better know how to return sufficient Jurors: And it is to be also enacted, that the Sheriff shall not allow of any Writ *de non ponendis in Assisis*, unless it appears to him that the Surmises in the said Writ be proved on Oath to be true.

- L. 2. “ AN ACT to enable *Martin Calthrop*, Esquire, to  
 “ sell Lands in the County of *Norfolk*, for the Pay-  
 “ ment of his Debts, and Portions of his younger  
 “ Children.”

REPORT of an Act for the preventing of the pro-  
 fane Sin of Swearing and Cursing. [Engrossed.]

THE Complaint of this is to be made within  
 Twenty Days, and before a Justice of Peace or  
 Head Officer. This Act is to be read twice every  
 Year in every Parish Church upon a *Sunday* at Even-  
 ing Prayer. (*Vide more of this in p. 49.*)

“ AN ACT for the Continuance of reasonable Com-  
 moning of Sheep in the Forest of *Waltham* in the  
 County of *Essex*.”—By this it is desired, that Sheep  
 are commonable Cattle within the Forest, as well as  
 any other Cattle: for that there are such Store of  
 Deer in the Forest, as other Cattle cannot live there;  
 and it is alledged, that Sheep have used to common  
 there Time out of Mind.\*

THE Sentence of the House, in the Case of *Hall*  
 and *Fuller*, is, that both the Court of Chancery, and  
 that of the Wards have erred; and that what was  
 done in the Court of Wards was done as *Coram non*  
*Judice*.

\* [This Bill is cast out of the Court, and here torn.]

It is questioned, whether Mr. *Hidley*, that said, the Court of Wards had done unjustly, because it was as *Coram non Judice*; and Mr. *Moore*, (being both Lawyers at their pleading at the Bar for the two Courts) who said, the Lord Chancellor had, at the Motion of a Favourite, granted an unjust Injunction, and done unjustly, should be punished.

It is hereon alledged, that Mr. *Hidley* had Leave of the House to speak as a Lawyer, and freely; and Mr. *Moore* likewise had the like Liberty given him that Mr. *Hidley* had used.

It is hereon ordered, that both of them shall be sent for to explain themselves here in the House.— They accordingly attended, but were never called in to explain themselves.

It is ordered, that those Gentlemen of this House, who were by the Lords desired to be sworn, may go and be sworn by the Lords; but yet they are to go without Compulsion freely of themselves, if they will, and to be done without Derogation of the Liberty and Privileges of this House.

A MESSAGE from the Lords, to acknowledge their good and kind Acceptance of the good Concurrence between this House and their Lordships; which was expressed in the Message concerning the ministring of an Oath to some Members of this House in the Case of Sir *Giles Mompesson*.

SIR *Robert Phillips* reporteth, from the Grand Committee of the Business concerning the Lord Chancellor, preferred by Mr. *Abry* and Mr. *Egerton*, that it plainly appeared in Mr. *Abry*'s Case, that there was a Suit depending at, before, and since the Time of the One Hundred Pounds given to the Lord Chancellor by Sir *George Hastings* from Mr. *Abry*; and that Sir *George Hastings* (after a Combat and struggling in himself between the Duty of Gratitude and Honesty) did confess, that he delivered the Lord Chancellor the One Hundred Pounds in the most mannerly Terms he could; telling his Lordship,

*Mr. Abry and Mr. Egerton against the Lord Chancellor.*

Lordship, that he had received it from Mr. *Abry*: and that shortly after there was a surreptitious and killing Order drawn up by *Churchill* the Registrar, according to Notes given him from a Servant or Secretary of the Lord Chancellor:—That in Mr. *Egerton's* Case it appeareth perspicuously, that, when the Money was given, Mr. *Egerton* had a Cause in the Chancery; for there was an Order in that Cause 17 *Maii*, another 2 *Junii* after, and 10 of the same *Junii*, the Four Hundred Pounds was delivered by Sir *Richard Young*; and another Order was granted and made 16 *Junii* in the same Year:—That *Wednesday*, Sir *Richard Young* and Sir *George Hastings* acquainting the Lord Chancellor with what had passed in the House that Afternoon, the Lord Chancellor said (in the Presence of them both, and of the Lord *Cavendish*) Gentlemen you will answer this another Time, for I must deny it upon mine Honour:—That one *Merimeth*, a Scrivener, provided the Four Hundred Pounds for Mr. *Egerton*; who told *Merimeth*, that that Four Hundred Pounds was for the Lord Chancellor, and that Sir *Richard Young* had promised to deliver it to his Lordship from him:—That Mr. *Egerton*, on a Petition to the King, got a Reference to the Lord Chancellor, who caused Mr. *Egerton* and Sir *Rowland Egerton*, his Adversary, to enter into Bonds of Ten Thousand Marks apiece to stand to the Lord Chancellor his Award; which being made wholly for the Benefit of the said Sir *Rowland Egerton*, the said Mr. *Egerton* refused to stand to it; whereon the Lord Chancellor advised Sir *Rowland* to prefer a Bill into the Chancery (because that, without a Bill were depending in Court, there could be no Decree made) and then his Lordship decreed that Award for Sir *Rowland*, and delivered him the Bonds to sue the said Mr. *Egerton*, if he should refuse to obey and stand to the said Award.

SIR *George Hastings*. That he thought, that the Delivery of the Money from Mr. *Abry* to the Lord Chancellor

Chancellor was the Way to relieve the said Mr. *Abry*; and that he was out of Pity moved to take any Course to relieve the poor Man, when he considered and saw in him the Anatomy of a Gentleman in his Person and in his Estate; and that he did deliver the same only out of a Hope and Desire to do the Poor Man good.

*SIR Richard Young.* That the Latitude of the Lord Chancellor's Favours to him hath far exceeded the Poverty of his Deserts; and, being called on to speak, he would not have in so honourable an Assembly, an Untruth registered from him; and therefore must confess the Truth, that he did deliver the Four Hundred Pounds, as before he hath said, and brought that Answer from the Lord Chancellor to Mr. *Egerton* as he hath before expressed.

*MR. Noye.* That we are to consider of the Person accused; of the Fault; and of the Manner and Witnesses. That the Witnesses being called to testify a Truth, he liketh not that they should make any Excuse at all: and that because we cannot send for the Party accused, it were fit that we should hasten to acquaint the Lords with it:—That we are not to say to the Lords that we have found this as a Truth, but that there is such a Clamour amongst us; and that we should desire their Lordships so to take this unto them, as that they will not exclude us.

*SIR Edward Sackville.* That these are not compatible Witnesses: [First] for that they speak but to charge another to discharge themselves; for, after the Devil had tempted *Eve* to eat the Apple, God called not the Devil, who was the Cause of it, to witness it, but *Adam*.

*MR. Crewe.* That he would not have this set down in Writing, it being but on an Accusation, and against a great and eminent Person, for *Litera scripta manet*.

*SIR John Strangeways.* That he knows none of the Lord Chancellor's Servants, nor is known to the



the Lord Chancellor; neither is he so foolish as to run into a House that is falling, as in the Opinion of all Men the Lord Chancellor is; yet he must say, he findeth not that the Witnesses have sufficiently discharged themselves of the Money; for the Lord Chancellor saith, he must deny the Receipt of these Sums as Bribes: and therefore, till it be made more manifest that the Witnesses delivered the said Money to his Lordship, he thinketh this Business will not be ripe enough for us to acquaint the Lords withal.

*Mr. Christopher Nevill.* Justice is a Fountain, and his Majesty is the Head of it; from whence the Justice of this Kingdom is derived:—That they are bitter Waters which flow in the Chancery; he that sitteth there is (or should be) the Moderator of the Law, and the Depositor of his Majesty's Equity:—That the Witnesses that testify against the Lord Chancellor, that they delivered those Sums to his Lordship, they are no ways charged as Delinquents, and therefore ought not to be put out of the House:—That we should let the Lords know, how they have been by this Chancellor deprived of their Privileges; which since he hath taken away from them, and made them take Oaths, he would not have him have the Privilege to deny it on his Honour, as he hath said he must and will do; but would have him put to his Oath, and, if he will deny a Truth, let it be with the Peril of the Forfeiture of his Soul. He sitteth like a Minotaur in the Labyrinth of that Court, gormandizing and devouring all that comes before him.

*Sir George Moore.* Were the Lord Chancellor never so great, never so dear unto him, yet the Commonwealth (the Mother of us all) is to be preferred before all. He will not speak in Favour, nor against the Lord Chancellor; for, if it be Gold, why should we fear to try it? He would have us to go to the Lords, because we cannot do the Chancellor Right

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Right without it ; but desireth, that first the Heads of the Business may be conceived in Writing.

SIR Robert Phillips desireth, the Heads of that Business may be set down in Writing against Monday next.

(179) MR. Jo. Finch will not speak to the Incompetency of the Witnesses ; neither can he tell what to say to that Case of *Abry*, till he seeth a Note under Sir George Hastings's Hand, of what he doth affirm ; for he crosseth himself in his speaking of the Manner of the Delivery of the Money : The Letters which were delivered by Mr. *Abry*, are witnessed only by himself.—For the Cause of Mr. *Egerton*, if there was any Cause depending, yet it is not shewn or proved that the Lord Chancellor did know of the Cause depending ; neither is it almost possible, of such a Multitude of Causes, the Lord Chancellor should take Notice of all Causes :—That the Lord Chancellor found the Chancery Court possessed of the Course to give Noblemen their Oaths ; and the Records will manifest, that his Lordship was not the first that began that Order, for his immediate Predecessors used it.

MR. Secretary. That we must either go with it to the Upper House, or take Order to call those two Witnesses to question, that have charged his Lordship. He doubteth, whether so great a Man may be examined by the two Houses ; and would therefore have us pray the Lords to join with us to go to the King with this Business, and to receive his Pleasure, and desire his Majesty to hear the same.

SIR Edward Cooke. That it was resolved in a Soldier Seller's Case, that, if many Witnesses prove several Charges tending all to one Fault (as these do to Bribery and Corruption) they are not to be esteemed as *singularis testis*, because they all agree in *eodem tertio* : Therefore, albeit Sir George Hastings only prove the Delivery of the Hundred Pounds given by *Abry*, and Sir Richard Young only testifieth the Four Hundred

Hundred Pounds given from Mr. *Egerton*, yet both of these Witnesses agreeing in *eodem tertio* (viz. of Corruption) are not to be held as *singularis testis*.

It is ordered, that we shall send a Message on Monday next to the Lords, by Sir *Robert Phillips*, who shall acquaint their Lordships, that there are several Complaints in our House, brought by Mr. *Abry* and Mr. *Egerton* against the Lord Chancellor, for Matter of Bribery and Corruption:—That the Heads of this Business shall be collected and set down in Writing, by Sir *Edward Cooke*, Sir *Dudley Digs*, Sir *Robert Phillips*, and Mr. *Noye*; and the most material Points belonging to it shall be declared to their Lordships by Sir *Robert Phillips*.

Saturday, March 17.

COMMITTEE. — Concerning Wools.

*James Monger* a Merchant or Interloper examined, saith, that he traded, before *Coquin's* Patent of dyeing and dressing of Cloths, into *Flanders*, for Bays, Says, coloured Cloths, and all other Cloths, being the Manufactures of the Kingdom, except white Cloths, without Interruption until 28 *Eliza*. when the Lords of the Council by their Letters prohibited him and others (who were not of the Company of the Merchant Adventurers) so to do. That after three Months their Lordships recalled their Letter of Prohibition, and after that he traded again into *Flanders* with the aforesaid Kind of Merchandise.

DIVERS other Interlopers say (on Examination) that they have traded in the said Kind of Merchandise into *Holland*, and they all say, since that the old Patent of Merchant Adventurers was last renewed, there have been (on Complaint of the now Merchant Adventurers) seven of these Interlopers committed by the Lords of the Council for trading in *Holland* and *Flanders* with the said Manufactures

of

of this Kingdom, viz. Perpetuana, Bays, Serges, Says, &c. and that these Examinants, *John Stone*, *Andrew Evans*, *Daniel Brames*, &c. all refusing to enter into Bond to trade no more into those Parts with the said Kind of Manufactures, or to take an Oath wholly to quit their Trade, were committed by the Merchant Adventurers Importunity.

*Robert Dickson* Goldsmith, examined saith, that he, *Daniel Brames* and others have been sued in the Exchequer for trading into the said Places beyond the Sea with the foresaid Kind of Manufactures, and that they in the said Exchequer did at the End of the last Term give the Merchants a Kind of Overthrow.

A GROCER (being examined) saith, that he was likewise sued by the Merchant Adventurers, albeit (80) he never used to trade into those Parts with the said Manufactures.

*Andrew Evans* examined saith, that there are divers Impositions laid on the Manufactures of this Kingdom by the Merchant Adventurers; and that the Merchants of these Manufactures (which they call Interlopers) do pay to the Merchant Adventurers Threepence upon a *Devonshire* Kersey, Sixpence on a *Perpetuana*, and Twopence on every Truss of such Kind of Cloths is paid to Mr. *Tower-son*; and that those Interlopers who pay these Taxes are such as the Merchant Adventurers do allow to trade in these Manufactures.

ALL the Interlopers say, that the Merchant Adventurers have made an Order here amongst themselves, that no Merchant shall sell any Cloths to an *English* Merchant beyond Sea.

*John Stone* examined, saith, that by Way of Importation and Exportation for himself and other Men he hath heretofore traded for Forty Thousand Pounds *per Annum*, and now he is utterly prohibited from trading in any the said Manufactures or coloured Cloths.

MR.



MR. *Morse* a Merchant Adventurer examined, saith, that these Petty Merchants or Interlopers never trade but underhand, as he thinketh; for it is prohibited for them to trade by the Charter of the Merchant Adventurers.

MR. *Skinner*, Clerk to the Company of Merchants, examined, saith, that the Lords of the Council on a Damp of Sale of Cloths have for a Time given Leave by their Lordships Letters to these petty Merchants to trade freely, but have ever done this but for a Probation, and after a while their Lordships have recalled their Letter again.

Monday, March 19.

"AN ACT for the making void of a Decree made in the Chancery against the Heirs of *William Goddard* deceased, late of [ . . . ] in the County of *Middlesex*."

L. 1. "AN ACT for the Preservation of the Fry of Sea Fish, and for restraining of unlawful fishing with Trawles." †

L. 1. "AN ACT to avoid the Exactions of undue Fees, exacted by the Customers, Contracters, Searchers, Collectors, and other Officers of the Custom House." [vide plus fol. 55.] By this every Merchant that hath compounded for the Customs or Fees for their Goods, shall not be troubled by any Officer of the Custom House. Whosoever shall offend against this Act is to forfeit ten Pounds, and to be disabled to exercise any Office in the Custom House again.

L. 2. "AN ACT to enable Sir *Richard Lumley*, Knt. to make Sale of Lands in Com. [ . . . ] for the providing for his younger Children, and for the Payment of his Debts, he having given the Lord *Darcy* and Sir *Thomas Savage* ten thousand Pounds

† [This Bill cast away by the Committer, because in most Parts of the English Coast there can be no Fish taken but by the said Nets called Trawles.]

" for a Lease of Twenty one Years, which they had  
 " by the Bequest of the Lady Lumley."

" AN Act for preventing of some Misproceeding, <sup>L. 2.</sup>  
 " and for furthering of Justice in Courts of Equity."

—By this none shall be ordered or enjoined to pay  
 any Money, or to deliver Possession of any Lease or  
 Land, before the Cause hath had a Hearing in open  
 Court, either upon the Answer of the Defendants,  
 or on a Demurrer. \*

MR. Treasurer saith, that he is commanded by <sup>Message from</sup>  
 the King to tell this House, that his Majesty doth <sup>the King.</sup>  
 acknowledge with Thanks all the good Actions and  
 Proceedings of this House; and particularly the just  
 Proceedings in a Bill which was exhibited here con-  
 cerning *Waltham* Forest; wherein, albeit that the  
 House hath done his Majesty but Justice, yet the  
 Manner and Ceremony in doing it, and the Check  
 given to the adverse Party his Majesty will add to  
 the Number of the Testimonies of our dutiful Re-  
 spects and Love to his Majesty.

SIR *Edward Cooke's* Report of the Business touch- <sup>Patent of con-</sup>  
 ing concealed Tithes. That the Patentees and their <sup>cealed Tithes.</sup>  
 (81) Deputies, when they came into the Country, they  
 there gave Oaths to the Churchwardens, to declare  
 what Land is held in their Parish, discharged or not  
 paying any Tithes; albeit some Lands are discharged  
 of Tithes by the Act of Parliament of 38 H. 8. some  
 by Composition, some by [ . . . . ] :—That the  
 Patentees and their Deputies, if they found by this  
 Kind of Examination any Lands that are freed from  
 paying Tithes, then they delivered them a Ticket  
 to appear to answer here in *London*, at the Sign of  
 the *Hanging Sword*, where their Office is :—That Mr,  
 Chancellor of the Exchequer was freed by the Com-  
 mittee from any Blame, albeit he was a Referree;

\* [This Bill is committed to the Committee of a former Bill of this Nature.]

for what he did was unwilling, and with as much Delay as lay in him to give that Business.

THE ancient Use and Order hath been, that the Speaker should present the Subsidy to the King, at the End of the Parliament.

It is ordered, that Sir *Foulk Greville*, Chancellor of the Exchequer, shall carry the Bill of Subsidy up to the Lords, accompanied with all the Privy Council of this House, and as many other Members of the same as will go up.

THE ancient Use and Order is, that the Lords having once read the Bill of Subsidy, they then return it again hither, and then this House was wont at the End of the Parliament to give the Speaker Order to present it to his Majesty.

L. 3. "The Act for Limitation of Suits" consisteth of Five Parts.

1. Limitations of real Actions.
2. Limitations of Entry.
3. Limitations of Personal Actions: and of Two Provifoos. \*

MR. *Noye*, in Answer to certain Objections made by Sir *Henry Poole* against this Bill for Limitations of Actions, who desired to have it overthrown, not to pass, saith, that the Formedon in Descender hath been introduced by a new Law of the Statute of *Westminster* the 2. and that there have been more Suits and Vexations in Law, since that Statute for Formedons in Descender was made, than there were before, by much. And whereas it was objected, that a Man who hath Right of Entry into Lands that are in the Crown, may not enter; he answereth, that, whilst the Land is in the Crown, a Man hath no Title of Entry. As for Personal Actions, if any owe Money and be out of the Kingdom, he may be sued,

\* [This Bill is engrossed, and being ready to be put to the Question for the passing, is deferred till a little more Consideration be had on it.]

(albeit he be not here) to an Exigent, and so be outlawed.

SIR *Edward Cooke*. That it is an ancient Order, that a Bill which is engrossed cannot be recommitted, but it may be amended here in the House:—That there is no Act of Parliament that takes away a main Point of the Common Law, but an infinite Number of Inconveniencies follow:—That by the Common Law a Man should make his Entry within One Year after the Right accrued; and this was, by an Act of Parliament in *Edward 3.* Time, left to all Men to enter when they would, if they have Right; by which means a Man that hath had Land Two Hundred Years, may, by the said Act of *Edward 3.* be sued and lose his Land.

MR. Secretary. That he is commanded by the King to acquaint this House, that his Majesty thinketh it now Time for this House to think on a Cessation, the Parliament having sat a good while: but his Majesty leaveth it to the House to appoint their own Time, both for the Cessation, and for the Meeting again after *Easter*; but his Majesty thinketh that *Tuesday* after *Easter* Week will be a good Time for Meeting again:—That his Majesty hath understood of the Crimes that are laid to the Lord Chancellor's Charge, and is sorry that a Man whom he hath preferred should be guilty of such great Crimes:—That his Majesty desireth that those Accusations may not lie long on so great a Person; and, for the expediting of that Business for a more speedy Hearing, his Majesty will direct a Commission to Six of the Upper House, and Twelve of this House, to have full Power and free Liberty on Oath to examine all the Lord Chancellor's Proceedings in Chancery, and that this Commission shall be sat on in the Vacation. But his Majesty leaveth this Course of Proceeding in that Business to the Choice of this House; and, if we shall like and accept of it, then his Majesty will send the like Message to the Lords:—That his Ma-

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jesty



jeſty is ſorry ſo great a Judge ſhould be accuſed of ſo great Crimes, yet hopes that the Lord Chancellor will ſhew himſelf innocent of all ; but, if he do not, then his Maſteſty will ſhew himſelf a moſt juſt King.

It is ordered, that Mr. Secretary ſhall give his Maſteſty from this Houſe moſt humble Thanks for this his ſo gracious a Meſſage, concerning the Liberty which his Maſteſty is pleaſed to give us to appoint our own Time both for the Ceſſation and our ſitting again, when we ſhall think good : And to beſeech his Maſteſty concerning the Buſineſs of the Commiſſion, that he will be pleaſed to ſend to the Lords a Meſſage touching the ſaid Commiſſion, that we, conferring with their Lordſhips (with whom we deſire to continue, by all friendl and kind Reſpects, the good Correſpondency we have hitherto held with their Lordſhips in all Points) will thereon ſend his Maſteſty our humble and unanime Answer, both Houſes together, concerning it.

- L. 2. " AN ACT for the naturalizing of Sir *Francis Stuart*, Sir *William Stuart*, Sir *John Maxwell*, and "*William Carr*, Eſq; all being *Scotchmen*."\*

MR. Secretary. That his Maſteſty hath ſent a Meſſage to the Lords, with his Purpoſe concerning the Commiſſion for the Examination of the Lord Chancellor's Buſineſs.

SIR *Robert Phillips* reporteth, that he acquainted their Lordſhips from this Houſe, that we have received a Complaint and Information againſt ſome Noble Lord of that Houſe, and that therefore we of this Houſe deſire a Conference with their Lordſhips to acquaint them with the Particulars of the Complaint and the Circumſtances :— That their Lordſhips have appointed the Conference for this Afternoon, at Two of the Clock ; the Number to be the whole Houſe.

\*[This Bill I think is before.]

THE Heads and Circumstances of the Accufation againſt the Lord Chancellor, by Mr. *Abry* and Mr. *Egerton*, are ſet down in Writing, and are read here in the Houſe; but are to be delivered by Word of Mouth by Sir *Robert Phillips* this Afternoon, at a Conference with the Lords.

SIR *George Haſtings*, being required to declare what Speech the Lord Chancellor had with him about *Abry* his Buſineſs, ſaith, that about three Weeks ſince the Lord Chancellor ſent to him to *Hackney*, to come to ſpeak with his Lordſhip at *York-Houſe*; and, being in the Lord Chancellor's Chamber, his Lordſhip, commanding all to depart out of the Chamber, ſaid, *George*, I hope you love me, and deſire not that any thing you have done ſhould reflect to my Diſhonour: I fear, there is one *Abry* purpoſeth to petition and clamour to the Parliament, that you gave me from him One Hundred Pounds: Is it true, *George*? Whereto Sir *George Haſtings* answered, that it was true, he did deliver the One Hundred Pounds to his Lordſhip; whereto his Lordſhip answered, that, if he had any Intereſt in *Abry*, he would have him endeavour to ſtay the Petition: and thereon Sir *George* ſpake to *Abry*, and procured from him the Petition, and brought it to the Lord Chancellor; who on Sight of it appointed *Abry* to attend with his Council, and his Lordſhip would hear the Cauſe again; and accordingly *Abry* and his Council attended, but could not be heard. Whereupon *Abry* petitioned this Houſe, as we have ſeen.

Monday, March 19.

COMMITTEE. Concerning Grievances.

SIR *Edward Cooke*. That Paſch. 24 Eliz. Sir *Chriſtopher Wray* being a Judge, *Manwood*, Chief Baron, and there being many other learned Judges, in *Cheyney's* Caſe, a Queſtion grew, how it ſtood for Hoſpitals; and then it was expreſſed, that there is

an Hospital which is only out of, and stands only by a Religious Care, and such are comprehended amongst Abbeyes, Covents, &c.—There is also an Hospital that is only for Lay People, which is not comprehended amongst that Number: But all Hospitals have or should have Prayers said, as well the Lay Hospitals as the other. (83)

ALL Ecclesiastical and Religious Hospitals are by the Law given and warranted to the King; but no Lay Hospital is given or warranted by the Law to the King, and therefore no Man may have the same as Concealments.

Patent of  
concealed  
Tolls and  
Tithes.

SIR *John Townsend* examined, saith, That he hath compounded with Sixteen Men on his Patent or Grant of concealed Lands, and hath sued not above Two or Three:—That concerning the Patent of concealed Tolls, there have been Forty *Quo Warrantos* taken out of the King's Bench, but were not all served.—He saith, that Sir *Thomas Somerset* procured the said Patent for concealed Tithes, that he cannot tell who were the Referrees, for this was Sir *Thomas Somerset's* Suit,

CONCERNING the Patent of Pedlars.

Patent of  
Pedlars.

THERE were Four Hundred Pedlars sued in the Exchequer on the Patent of Pedlars and Petty Chapmen.—This Patent was referred and testified by Sir *Francis Bacon*, then Attorney General, and Sir *Henry Yelverton*, then Solicitor General. The Patentees were by the Patent tied to pay the King One Thousand Marks *per Annum*.

THERE were licensed Six Hundred and Fourteen Pedlars or Rogues, by the Patentees or their Deputies; and the King had never a Penny Profit paid of all the Rent that was reserved on the Patent.

CONCERNING the Patent of Apprentices.

Patent of  
Apprentices.

MR. *Goldsmith*, a Lawyer, examined, saith, that the Referrees of this Patent were Sir *Francis Bacon*, then Attorney, and Sir *Henry Yelverton*, then Solicitor:—That the Petition for this Patent was preferred

ferred to his Majesty in this Examinant's and one *John Johnson's* Name:—That, before the second Patent was granted, he had compounded with Sixty Men, and had for it One Hundred Pounds; and this was by the first Patent, which was granted for a Probation to see how it would prove. The Patent extended throughout all *England*, and the Patentees did fetch up divers poor Men out of *Devonshire* and *Cornwall*.—The Patent is granted to divers Patentees, viz. to one [ . . . ] *Primrose, Robert Spence*, and this *Mr. Goldsmith*.---The Effect of the Patent is, to dispense with such as could not prove they had served their Apprenticeships. The Manner of Execution was thus: The Patentees used to send down into the Country their Deputies, who used to summon all Tradesmen in every Town to appear before them; and, having shewed their Commission, the Patentees Deputies demanded of the Tradesmen, whether they had served their Apprenticeships or no; and whether they could shew their Indentures of Apprenticeship? which if they did shew, then the Deputies took of every one that had Indentures Sixpence apiece; and, as for those who had served their Apprenticeships and could not shew their Indentures, they compounded with some of them for Two Shillings and Sixpence, with others for Five Shillings, and so with some for more, and with others for less; and such as refused to compound, they summoned by Process into the Exchequer, or King's Bench, or Common Pleas.

CONCERNING the Patent for the sole engrossing of Wills and Inventories.

*Patent for  
engrossing of  
Wills and In-  
ventories.*

THIS Patent was granted to *Sir Robert Flood*, a Member of this House.—It was heretofore at the Liberty of every Subject to go to any Proctor to have Wills and Inventories engrossed and copied; and sometimes the Executor did it himself to save Money: and now by this Patent no Wills or Inventories



tories may be engrossed but by Sir Robert Flood or his Deputy.

SIR Robert Flood saith, that this Patent was referred to the now Lord Chancellor, the now Lord Treasurer, and Sir Robert Nanton; and that they certified, and in their Certificate said, that they had also the Opinion of Sir Henry Yelverton.—His Council saith also, that, before this new Office was erected, there were no true Copies made, nor did the Proctors ever examine the Copies; neither could any Executor, or any Party interested in any Will tell where to find any Will or Inventory, if they desired to have a Copy of it. (84)

THE Proctors affirm, that they never took above half the Money or Reward which is now granted to the Patentees for their Fees for engrossing of Wills and Inventories.

SIR Edward Cooke. That Cardinal Wolsey in 20 Hen. 8. taking One Thousand Marks of one Umpton for the Probate of a Will, was complained of to the Parliament: the Fees were reduced to a Certainty.

SIR John Walters. That the Lords, to whom this was referred, did command him to attend; and the Reason, why their Lordships found this Patent to be convenient, was because before the Proctor had no certain Fees for the engrossing of and copying of Wills and Inventories; which caused the Proctors to extort what they list of the Executor or Administrator, and there is in no Court of Justice so much Extortion used, as in the Spiritual Courts; and therefore, there being no proper Men to whom this Office doth belong, and that it being a vague Thing, it was in the King's Power, and not against Law, to commit it to any particular Officers, which before the Proctors used and exercised amongst themselves; and this is but as the reducing of the making of Subpœnas was to one certain Office, which before were made by the Attorneys of the Chancery; and so were the Superfedeas to all Attorneys, which are

now

now reduced to a particular Office: and that this was thought convenient for the better performing of Justice, which by the obscuring of Wills and Inventories was many Times prejudiced.

MR. Naye. That there comes no Good of this Patent of engrossing of Wills and Inventories, for, if the Proctors did before offend, these may more offend; and besides it is now in the Power of Sir Robert Flood to stay and delay the Subject as long as he list; for now all Men must go only to Sir Robert Flood, whereas before it was lawful to go to any Proctor, such as would do it best cheap.

THE Committee, by Question, hath condemned this Patent for a Grievance.

Tuesday, March 20.

“ AN ACT for the Establishment of the Inheritance of the Heirs of *Richard Young*, deceased; according to a Bargain and Sale made.” This is preferred by one *Susan Ellis*, who is the sole Heir of the said *Richard Young*. L. 1.

“ AN ACT for Confirmation of a Rent Charge of an Annuity of One Hundred Pounds *per Annum*, granted by Sir *Roger Dalison* to Mr. *Horjman*, out of Lands in the County of *Lincoln*.” [Committed]. L. 2.

“ AN ACT that any Action brought against any Justice of Peace, Constables, Collectors, &c. or such other like Officers for false Imprisonment or the like, shall be brought and laid in the County where such Justice shall remain.”

REPORT of “ AN ACT concerning Monopolies and Dispensations of penal Laws, and Forfeitures thereof.”—It is amended by the Committee, and Provisoes are added, that this shall not extend to any Patent made in 11 *Jac.* for any Manufactures. Provided for the Patent of 11 *Jac.* for the sole Printing of

of Books or Comments on Books of Divinity, Law, or Statutes, or for the sole Printing of Proclamations: Provided, that this shall not extend to any Corporations of Towns, Cities, or Companies: Provided, not to extend to any Patent for making of Salt, or Iron Pieces of Ordnance.

MR. Solicitor moveth for the Recommitment of this Act, for that there are many Things that are Part of the King's Revenue: as the Patent of Calve Skins, which hath been these Forty Years, and for which the King hath Five Hundred Pounds *per Annum*; and the Patent for Licensing of Importation of Wines, for which his Majesty hath also a good Addition to his Revenue.

SIR *Edwin Sandys*. That this Act meddles not with the King's Dispensation of Penal Laws; but this extends only to the Grievance, which is, that it shall not be in the Power of a Subject to dispense with a Penal Law; for that such Subject doth and will exact on the rest of the Subjects at his Pleasure, without Mercy or Consideration of any Man: and, if it please his Majesty to dispense with any Penal Law and reserve such Power of Dispensation, and the Profit thereof to himself, this Act meddles not with it. (83)

It is the antient Order of the House, that the Speaker may not name (when it is difficult to tell which of two Members stood up first to speak) which of the two was first up, or shall speak first; but it must be put to the Question, which of the two was first up.

*Complaint against the Lord Chancellor.*

THE Petition of Mr. *Edward Willoughby* and his Wife, and Mr. *Montague Wood* and his Wife, and others, against the Lord Chancellor, shewing and complaining, that there was a Decree made by the Lord Chancellor, without any Order made in Court; and that the said Decree was brought into the Chancery Court to be there signed; and that for the making and signing this Decree, which was made in the Behalf of the Lady *Frances Wharton*, the said

said Lady did give the Lord Chancellor Three Hundred Pounds. By this Petition the Petitioners desire, that *John Churcbill*, the Lady *Wharton*, and *Keeley*, her Solicitor, may be commanded to attend to be examined concerning the Truth of this.

*John Churcbill*, the Registrar, being called into the House, and commanded to discover the Truth of this Petition, and what else he knoweth concerning the Abuses of the Chancery, desireth some Time to look on his Papers, and then he will discover by Writing the whole of his Knowledge.

A MESSAGE from the Lords, to signify that they have taken into their Consideration the Conference touching the Business against the Lord Chancellor; and do desire that those Gentlemen of this House, who are Witnesses or knowing of that Business, may, without any Prejudice or Violation of the Liberty or Privilege of this House, be examined by their Lordships, on Oath, in that Business; wherein their Lordships desire to proceed with all Care and Expedition: And that these Gentlemen may not only come to their Lordships to be examined, but also others hereafter of this House may, on the like Occasion in this Business, come voluntarily as private Men to be examined on Oath; and their Lordships also desire we would send them the Letters which were written by Dr. *Field*, Bishop of *Llandaff*, to Mr. *Edward Egerton*.

We returned Answer to this Message, that the two Gentlemen named by their Lordships, or any other Member of this House will attend their Lordships voluntarily, as private Men, to testify any thing in this Business, that is within their Knowledge.

It is an antient Order, that we may send no Message to the Lords, nor their Lordships to us, but whilst both Houses are sitting, the Speaker of each House being in the Chair.

MASTER



MASTER of the Wards. That the King commanded him to signify to this House, that he will clear all Protections and Bills of Conformity, for his Majesty desireth that the Justice and Trade of the Kingdom may be current, and that his Majesty would have us resolve of what Course to take, either by Proclamation or otherwise, to set it for the present at large, and Liberty for all Men to be sued, notwithstanding any such Protection; and that his Majesty would have us to provide an Act or Law to prevent for the future all Bills of Conformity and Protections.

It is ordered, that Sir *Lionel Cranfield*, Master of the Wards, shall return all humble Thanks from this House to his Majesty, and to beseech his Majesty from this House, that a Proclamation may go forth presently to take away Protections and Bills of Conformity hereafter.

SIR *Robert Phillips* Report of the Examination of *Churchill*, taken on the Petition of Mr. *Willoughby* and *Mountague Wood*, and other Things concerning the Abuses of Corruption of the Lord Chancellor. He saith, that *Churchill* is to set down his Knowledge of the latter Part hereof in Writing. Touching the first Part concerning Mr. *Willoughby* and Mr. *Wood* against the Lady *Wharton*, That there was a Suit and cross Bills preferred by the Parties in the Court of Chancery:—That the Lady, on a Petition, got a Chamber Order:—That *Keely* <sup>89</sup> saith, that, about the Time of the passing of the Decree, the Lady *Wharton* took One Hundred Pounds and put it in a Purse for to give the Lord Chancellor, as she told him, and made him write down the Words that she should use when she did present the same to the Lord Chancellor:—That, after the Lady was returned from the Lord Chancellor, she told him, the said *Keely*, that his Lordship seeing her hold the said Purse and Money in her Hand while she was in his Chamber with the

The Lady  
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Lord Chancellor, his Lordship asked her, what she had there in her Hand; whereto she said, it was a Purse of her own working, and so presented it to his Lordship with One Hundred Pounds in it, and withal promised his Lordship Two Hundred Pounds more when the Decree should be signed and passed:—That *Keely* further said, that in a Cause between Sir *John Trevor* and Mr. *William Askew*, after Sir *John Trevor* had procured five Orders, he presented by the Hands of Sir *Richard Young* One Hundred Pounds to his Lordship, desiring his Lordship to further his Cause:—That the purchased Degree for the Lady *Wharton* was damned by the Lord Chancellor within these seven Days.

Tuesday, March 20.

COMMITTEE.

SIR *Dudley Digs* moveth, that those Merchants that are of the Port Towns may have the same Liberty, and be under the like Government as are now the Merchants of *London*.

MR. *Brooke*. That, in Queen *Elizabeth's* Time, there was Liberty of free Trade given; and, because the *Londoners* would not permit that the Market of Cloth should be kept at *Blackwell Hall*, the Market was, by Order of the Privy Council's Letters, kept at *Westminster*: and yet this Liberty of free Trade and Buying grew to be inconvenient, and the Lords Letters were recalled, the Market restored to the former Place, and the Merchants ordered to continue their old Manner.

SIR *Dudley Digs* moveth, that the Impositions laid on Cloths by the Merchant Adventurers may be taken off, and that all the Out Ports may have free Trade in all Kind of Cloths into all Places; and saith, that such Liberty of Trade would be a Means to vent Cloths in a greater Quantity, and better cheap than the Merchant Adventurers do or can sell:

sell: for many of the Out Ports (and almost all of them) live near where the Wool is grown, and where the Cloth is made; and so will have it at easier Prices of the Clothier than the Clothier can sell it to the Merchant Adventurer, considering his Costs of Carriage to send it hither, and the Charge of the Clothier or his Servant to lose three or four Days Work in a Week to come hither to sell the same to the Merchant Adventurers; for this is certain, that, unless we sell our Cloth at so low Rates, and make it bear so low Prices, as that we may well sell it better cheap than those beyond Seas can make it, we shall never again restore the Venting and Sale of our Cloths to the Foreigner as plentifully and dear as we have heretofore done; and there is no more hopeful Way to effect our Desire herein than by giving Liberty of trading to those Out Port Towns, where it is made, and who may buy of the Clothier and so sell to the Foreigner cheaper than the Merchant Adventurers here can.

It appears by the Custom Book, and by the Books of the Merchant Adventurers, that where they were wont in the [. . . . .] Time to vent beyond Sea yearly Sixty-five Thousand and Sixty three thousand Cloths, they vent not now above Thirty-five Thousand Cloths by the Year; so as the Trade in Cloths is decayed the one half of that it was wont to be.

MR. Neale saith, that other Countries have Liberty of free Trade and grow rich by it, and he seeth no Reason but Freedom of Trade should be as good for our Kingdom, and enrich it as well as it doth any other State.

*Wednesday, March 21.*

“AN ACT for the Explanation and more due Execution of a Statute of 37 Hen. VIII. for Payment  
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"ment of Tithes in *London* and the Liberties thereof."

By this sixteen Pence Halfpenny is to be paid of every ten Shillings Rent for any House, Stable, Warehouse, or other House in the City of *London* unto the Parson of the Parish. And hereby it is desired, that it may be enacted, that a Commission shall be awarded by the Lord Chancellor and the Bishop of *London* to certain Commissioners, whereof the Lord Mayor and the Recorder of *London* are to be two, to enquire on Oath the true Valuation of every House (because when a Fine is paid, the Rent is not proportionable to the Value of the House) and then the Parson accordingly is to have sixteen Pence Halfpenny of every ten Shillings that any House is rented at. †

Concerning  
Tithes of  
Houses in  
London.

"AN Act for the Explanation and Addition of  
"an Act made in 14 *Jacob.* entitled, an Act made  
"for the true making of Woollen Cloths."

A MESSAGE from the Lords, who send us a Bill or Act of Confirmation from their Lordships of the Subsidies given by the Clergy; which Bill their Lordships desire us to expedite, because the Commission for the King's royal Assent cannot be sealed with the Great Seal, till this be done, for that it is to be annexed to this Bill of the Clergy, which is brought hither signed with the Archbishop of *Canterbury's* Seal of Office.

"AN Act for Confirmation of an Act or Bill of  
"three Subsidies granted by the Clergy of four  
"Shillings the Pound for every Pound that any Di-  
"vine may spend by Reason of any spiritual Pro-  
"motion, with Proviso to exempt all Rectories be-  
"longing to any College, Hospital, &c."—That  
those Clergymen who have any temporal Lands,

[† This Bill was cast out of the House.]

Leases



Leases or Estate, shall be taxed by this for their spiritual Promotions, and shall be also liable to pay for their Temporalities. This Bill is only to extend to the Clergy within the Province of *Canterbury*. This Bill is brought up hither in Parchment, and being but once read is put to the Question for the passing according to the antient Order of Parliament, and being accordingly passed is sent presently the same Day to the Lords.

SIR *Edward Cooke*. That a Man may by the Law and antient Use bring his Will (if it please him) engrossed by himself or his Man, into the ecclesiastical Court, and is to have the Seal put to it when it is proved; so as by this Office of sole engrossing of Wills and Inventories, the Subject loseth this Benefit, and also the Liberty which by Law is afforded him to go to which Proctor he list with his Will and Inventory, and most Men desire to go to him who they think will use them best and most honestly.

SIR *Robert Phillips* reporteth, that one *Gardner*, who is *Keeling's* Man, affirmeth, that three Days before the Decree was made for the Lady *Wharton*, she said, she had given his Lordship One Hundred Pounds, which this *Gardner* carried with her; and this Decree was laid in Deposito until a Week after, when he likewise carried to *York House* Two Hundred Pounds more for the Lady *Wharton*, who told this Examinant, as she was returning Home, that she had delivered the same to the Lord Chancellor. —That, in the Cause between *Hull* and *Holman*, *Hull* entered into a Bond of Twenty Thousand Pounds to stand to the Lord Chancellor's Award, and *Hull* said, that this had cost him a Thousand Pounds and a better Penny:—That in this Cause Mr. *Mewtas*, as it is said, was employed for the Broker:—That in the Cause between *Smithwick* and *Witch*, *Smithwick* promised One Hundred Pounds to Mr. *Young*, the Lord Chancellor's Secretary, for the

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the Lord Chancellor's Use, so as he might have the Certificate in that Business decreed. After this Mr. *Burrows*, another of the Lord Chancellor's Secretaries, bargained with *Smithwick*, that for Two Hundred Pounds he would undertake to get the Certificate to pass and be decreed; which was by *Burrows*' Mediation accordingly heard, and in Part ordered:—That *Burrows*, having received of *Smithwick* One Hundred and Forty Pounds in Part of the Two Hundred Pounds, did deliver the same to Mr. *Hunt*, who used and disbursed Money for the Lord Chancellor:—That *Smithwick*, not having the Decree so fully as was promised on the Bargain made with *Burrows*, came to *Burrows* for his One Hundred and Forty Pounds again, who sent him to Mr. *Hunt* for it, to whom he had paid the same for the Lord Chancellor's Use: Mr. *Hunt* advised *Smithwick* to petition the Lord Chancellor, that he might sue Mr. *Hunt* for the same, to which Petition the Lord Chancellor answered, that *Hunt* was able to pay his own Debts; but at length at *Smithwick*'s Importunity and earnest Solicitation all the Money paid by him was again repaid, saving Twenty Pounds which Mr. *Hunt* retained about a Year in his Hands, in Consideration of the Pains and Advice he gave *Smithwick* to get his Money again, and after a Year Mr. *Hunt* repaid that Twenty Pounds also:—That, in a Suit between *Wrath* and *Mainwaring*, there was One Hundred Pounds given to the Lord Chancellor, and Twenty Pounds to Mr. *Hunt*:—That there was also much Corruption said to be in the Suit betwixt *Pecock* and Sir *George Rhenill*, which is not examined:—That in the Case between *Hull* and *Holman*, *Hull* gave or lent One Thousand Pounds to the Lord Chancellor:—That *Barker* said, he had given Seven Hundred Pounds at *York House* in the Cause between *Bill* and *Barker*:—That there were made seven hundred and fifty Orders by the Lord Chancellor on Petitions in a long Vacation:—That

That in most Causes of the Chancery some of the Lord Chancellor's Servants followed the Causes, as if they had been Solicitors. All these and other Particulars were informed to the House by *John Churchill* the Registrar, who was examined by Sir *Robert Phillips* by the Order of the House.

MR. *Mewtas* desireth the House to be pleased to consider, who are the Informers against so noble a Personage as the Lord Chancellor: *Keeling* a Solicitor and *Churchill* a guilty Registrar, who hopeth to ease himself by accusing others, and desireth, that, if these Informations be not proved to be true, that then *Churchill* may suffer for it by the Name of the Registrar or the Informer; which is a Paraphrase only proper to him that set *Churchill* on Work, which is the Devil.

It is an Order, that this House cannot send a Message to the Lords, but when both Houses are sitting, and therefore the Speaker is, by Order, this Afternoon to attend here, that we may send Sir *Robert Phillips* to the Lords about the Business against the Lord Chancellor.

SIR *Edward Cooke*. That a Grant made by the King on Misinformation is void in Law, for the King's Grant may not do any Wrong.

MR. *Noye*. That the Patent of engrossing of Wills and Inventories is void, as being against the Law, pernicious against the People, and dangerous in Example:—That in 5 *Ed. II.* there was an Ordinance made, that certain Men named should make certain Ordinances for the good of the King, and the Government of the King's Household; and these Ordinances were declared void, because they were not made in Parliament:—That by a Law of [. . . .] it is ordered, that Five Shillings, and no more, shall be given for the Approbation of a Will:—That the fixing of the Seal is the Credit of the Truth of a Will, and not the Patentees engrossing of it:—That there is a great Difference between this Office

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of engrossing Wills, and the *Subpœna* Office, or that of the *Superfedeas*; for it is not against the Law for the King to appoint any one to write that, whereto he will put his own Seal: but the Prerogative Court Seal is not the King's Seal, and therefore it is not according to Law for the King to appoint one to write to that Seal. That it is as lawful to have all the Bills of the Chancery ordered by Patent to be written by one Man, as all Wills to be engrossed by one Man; for the Bills of Chancery are (as are the Wills) for the furthering of Justice, and to be returned into the King's Court.

MR. Solicitor desireth, that there may be a Bill or Act, that the Proctors of Ecclesiastical Courts take no greater Fees than is set down in the Statute.

SIR *Edward Cooke*. That *ignorantia juris non excusat*; but there are four Sorts of Persons whom, the Law doth favour, *viz.*

*Leges communes si nescit fœmina, miles, clericus, & cultor.*

It is ordered, that Sir *Robert Flood* shall be expelled (and so he is) for reviving and setting afoot the Project of the sole engrossing of Wills and Inventories; it being an old Project of Ten Years standing. Revivor of a Project expelled the House.

THE Patent for the sole engrossing of Wills and Inventories is, by Order, and the Vote of the House, condemned to be against the Law, and a Grievance both in the Creation, and in the Execution.

*Wednesday, March 21.*

It is complained, that there are divers Patents and Monopolies which are Grievances to the Subject; as, Patents and Monopolies which are Grievances.

THE Patent of old Debts; granted to one *Henry Lucas* and one *Duncombe*, and others.

PATENT to dispense with the Statute of Tillage; granted to Mr. *Edward Ramsay*.

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PATENT of all Recognizances for Non-Appearance; granted to Sir Peter Salter.

PATENT of concealed Lands; granted to one Tipper.

Thursday, March 22.

- L. 1. "AN ACT to enable *Edmund Cloud*, and other Bargainees to convey Lands, in Com. *Gloucester*, to the Earl of *March*, and his Lady, the Daughter of the Lord *Clifford*, or to any other, to whom they shall appoint.

- L. 1. "AN ACT for Confirmation of the Foundation of the Hospital of King *James*, founded in *Charter House*, in Com. *Middlesex*, at the humble Petition and the only Costs and Charges of *Thomas Sutton*, Esq." [Committed.

*Sutton's Hospital.*

BY this to be enacted, that the Charter House and all the Houses adjoining shall be an Hospital:—That the Governors, appointed to have a Care of it, shall have the Government of the same Hospital:—That those, who have the Government, may appoint all Fees and Officers, and other Things for the Good of the said Hospital:—That the Governors and their Successors shall enjoy the Lands and Profits, &c. of the said Hospital:—That the Governors or their Successors shall not make Leases of above Twenty-one Years, or three Lives:—The Foundation of the Hospital is confirmed:—No Money is to be taken for the Admittance of any one into this Hospital. There are to be, and now are maintained in this Hospital, Eighty Men, and Forty poor Scholars.

- L. 2. "AN ACT for Explanation of an Act of 1 *Edw. 6.* entitled, An Act whereby certain Chauntries, Free Chapels, and Colleges are given to the King's Majesty."

*Pecock*, who had a Cause in the Chancery between him and Sir *George Rhenill*, hath confessed to the Lords,

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Lords, that he lent to the Lord Chancellor One Thousand Pounds, but hath no Writing to shew for it, nor any Promise of Repayment.

SIR *Rowland Egerton* hath confessed to the Lords, that he gave the Lord Chancellor Five Hundred Pounds, and Sir *Eb. Thelwell* confesteth, he had Five Hundred Pounds more of Sir *Rowland Egerton* for the Lord Chancellor; which he accordingly delivered the Lord Chancellor.

REPORT of "An Act for the better repressing of Drunkenness, and the inordinate hunting of Alehouses."—By this, if the Offender be taken drinking, or doth confess that he hath been drunk, he is to be punished. [Vid. *Plus b. c.*]

(90) AN Act, being written in the Manner of a Letter, was ordered to be new written, because it was not written in the right Form, which was to have been like the Copies of Pleadings in the Chancery; and for this the reading of a Bill was deferred, albeit the Title of the Bill was well liked.

SIR *George Moore*. That the Committee of Privileges thought the Election of Sir *Robert Hatton* to be void; because all the Commons had not their free Voices in the Election: but that nothing was unduly done by Sir *Hatton*.

It is ordered, that the Election of Sir *Robert Hatton* is void, and that a Writ go to *Sandwich* for the Choice of a new Burgess in Sir *Robert Hatton's* Place.

CONCERNING the Election of Mr. *Mann*, one of the Burgesses for *Westminster*, Sir *George Moore* reporteth, that it appeared to the Committee, that Warning was given upon *Thursday* and *Friday*, the Election not being till *Saturday* following. And also it appeared, that, the Freeholders being divided into three Parts, one for Mr. *Mann*, the 2d. for Mr. *Fosssett*, the third for Sir *John Davies*, the Number for Mr. *Mann* was by two Parts greater than either of the rest.

MR. Mallet. That the Statute of 23 H. 6. is, that the Election should be returned to the Sheriff; and also see that of 5 H. 7. That the Indentures should be between the Chosers and the Mayor or Bailiffs.

MR. Crewe. If there be a due Election, and a Fault be only in the Return; we should cause the Sheriff to amend his Return, as we did in the Case of Sir George Hastings and Sir Thomas Beaumont; where we ordered, and the Sheriff amended the Return.

MR. Hackwell. That Prescription, directly against the Law, ought not to be followed or observed: and the Law is, that the Return shall be between the Town and the Sheriff; and in this Case the Election is returned by Indenture between the Electors and the Bailiff only, and no Return made at all to the Sheriff: Whereas the Return should have been between the Electors and the Sheriff. The Election was due, and the Question is only of the Return, wherein Sir Edward Villars (who is the other Burgefs for Westminster) his Return is void, as well as that of Mr. Mann's Election.

SIR Edward Cooke saith, that the Return is not according to the Law; but *Consuetudo est optimus Legis Interpres*.

It is an ancient Order of the House, that none may speak to any Business after the Question is once put, albeit it cannot be decided by the Sound, whether there were more Yeas or Noes; for it is to be supposed, that the Order is made of one Side or the other, though, until the House be divided, it cannot be known, which Side it is past in.

THE House being divided, the most Votes were, that the Return of Mr. Mann was good; because it was according to the Custom, albeit it was against the Law.

*A Mayor  
ought not to  
be returned to  
serve in Par-  
liament.*

SIR Robert Phillips saith, that the Mayor of Cambridge hath made himself a Burgefs of this House, and is at this Time sitting in the House; which is contrary

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to an express Order made here the last Parliament, on long and full Debate, that no Mayor of any Town should serve as a Member of any Town, because; by his Absence, the Government of the Town could not be so well provided and kept; and also for that it lieth often in the Power of a Mayor by a Faction (whilst he is in such Authority) to make himself a Burgess of Parliament without the free Election of the Commons; which is contrary to the Liberty of every Freeman of any Corporation.

SIR *Edward Cooke*. That in 38 H. 8. it is enacted, that no Mayor shall sit in this House, if he were Mayor at the Time of his Election; but if the House were possessed of him, before he were chosen Mayor, then he may sit, albeit he is elected Mayor after.

*A Mayor may serve in Parliament.*

MR. Recorder *Finch*. That it is expressed in the Writ for Election, that no Sheriff shall be of this House; and the Reason is, that the Sheriffs are the King's Viceregents, and are necessarily to be resiant in their Government.

*No Sheriff ought to be returned.*

It is ordered, that the Mayor of *Cambridge* shall be put out, and a new Writ shall be sent for a new Election.

SIR *John Bennett*. That the Masters of the Chancery are not to take Affidavits in the Chancery concerning the Merits of any Cause there, but only for Matters of Proceedings in the Chancery.

It is ordered, that the Patent of concealed Subsidies in *Wales*, granted to one *Burnell*, shall be brought into the House.

AND also the Patent of Forfeitures in Custom Business, granted to Mr. *Endymion Porter*, the Lord Marquis of *Buckingham's* Servant, and executed by one *Giles*, Mr. *Porter's* Deputy, shall be brought in.

SIR *Edward Cooke*. That it is better to live under the severest Laws, than under any one's Discretion. That there are many obsolete Laws, which are



are but Snares; and therefore he desireth, there may be Search made by some select Committee of Lawyers to look them out, that they may be disannulled by some Act of this House.

It is ordered accordingly, that there shall be a Committee (which is named) of Lawyers, to look out all those obsolete Laws, that they may be repealed; and all such other Laws, as are to be continued.

MR. *Hackwell*. That there is a Patent granted to one [ . . . . . ] *Crowe* for Life, for the sole making of Iron Ordnance. Another Patent for the collecting of all the Forfeitures of all penal Laws, granted to Dr. *Chambers*, a Doctor of Physick, who is to have the Moiety of the Forfeitures, by which Means the said Doctor setteth an infinite Number of Informers on Work.

A MESSAGE from the Lords, to signify, that the Commission of the King's Royal Assent for the passing of the Bill of Subsidies is come newly into their House; and therefore the Lords desire, that the Speaker and the whole House, according to the ancient Course of Parliament, would come presently into their House to hear the Commission read: And that, after the reading of the Commission, they desire, we would repair into the Painted Chamber for a Conference. That for the Recess of Parliament, they think it fit to be next *Tuesday*, which Day they purpose to break off; and for the Access after *Easter*, they leave it to what Time we shall appoint.

MR. *Atford* would have it answered, that we will meet at the Conference to hear their Lordships, but not to speak of any thing, until we have acquainted the House with what their Lordships propose, and have Order from this House to answer.

SIR *Edward Cooke* is of the same Opinion.

ANSWER is given to the Messengers, that we, with our Speaker, will come to their Lordships at Two of the Clock, as they desire, to hear the Commission

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mission read, concerning his Majesty's Royal Assent to the Bill of Subsidies; and that, after the reading of the Commission, we will withdraw ourselves to the Painted Chamber for a Conference:—That our House likes well of the Time named by their Lordships for the Recess or Cessation; and for the Access, we will consider of it, and send their Lordships an Answer to it by some Messengers of our own.

*Thursday, March 22.*

COMMITTEE. Sir *Edward Cooke* reporteth the Lord Treasurer's Speech at the Conference. That the Lords thought *Tuesday* next a fit Time for the Recess, and left the Time of the Access to us to be named. Their Lordships desire, that Mr. *Fowle* may be either committed, or good Bond taken for his Appearance:—That if we should release Sir *Francis Michell*, their Lordships desire, they may first know of it, because of something which they have found out against him:—That their Lordships entertained with as much Affection, as Judgment could permit at the first Reading, the Bill against Informers, having been presented to their Lordships with a special Commendation from us; and they will dispatch it, as soon as conveniently it may be.

We send Answer to the Lords, that we like well, that the Recess should be *Tuesday* next, and the Access to be the 17th of *April*, with a Resolution to acquaint his Majesty with it. That we will deliver over to the Lords all the Prisoners, saving Sir *Francis Michell*, because their Lordships are now in Examination of them and their Offences, but will not release them without their Lordships' Privy.

(1) “An Act for the naturalizing of Mr. *Peter Bur-*  
*lamachy, a Dutchman.*” [Engrossed.]

A PETITION of the *Trinity House of Deptford*, shewing, that they did not certify to the King, nor give

give Way, that the Carriages for Pieces of Ordnance should be carried into *Spain*, as it hath been reported to this House of Parliament.

It is said by Mr. *Noye*, that the Lord Chancellor *Egerton* did set a Fine in the Chancery on one *Sibthorpe*, for not performance of a Decree there made; and the Suit for this Fine being brought into the Exchequer, touching the levying of the same Fine, the Defendant in the Exchequer did there plead, that the Lord Chancellor had no Power to set a Fine in such a Cause, and the Cause was adjudged accordingly for the Defendant *Sibthorpe*.

Friday, March 23.

“ AN ACT for avoiding vexatious Courses by removing of Causes out of any inferior Courts.”—  
By this [ . . . . . ]

L. 1. “ AN ACT that the Judges of Assize may take Witnesses in the County, where the Prohibition is brought; and that they may not be obliged to come to *London* for it.”

“ AN ACT to make perpetual the Act of 7 Jac. that Justices of Peace and other Officers shall not be sued out of the County for any thing they shall do concerning their Office; but it shall be heard by the Justices of Assize, and laid in the County, where it was done, albeit it be prosecuted in any Court of Record.”\* [*This is engrossed.*]  
—These Officers are Justices of Peace, Constables, Churchwardens, Overseers of the Poor, &c.

It is debated, whether the Constables of *Yorkshire*, who did write to the Petty Constables, the one of them to will and require, the other writing to desire them to require all the Freeholders under their Constableship to come to *York* to give their Voices for

\* [Passed our House.]



Sir *Thomas Wentworth* and Sir *George Calvert*, one of his Majesty's Secretaries of State, for to be Knights of the Shire; and that they should set down the Names of such as would come, and also certify the Names of those, who refused to come. But Sir *Thomas Wentworth* and Sir *George Calvert* were cleared of all Faults; for the most that was proved against Sir *Thomas Wentworth* was, that he desired the Constables to warn all the Freeholders to come to *York* to give their Voices for to make him and Sir *George Calvert* Knights of the Shire, if they so liked, and to take the Names of all such as would come, that he might provide accordingly for them at *York*.

MR. Noye. That Sir *Thomas Wentworth* went too far, when he desired to have a Certificate of such as refused to come; for that was but to fear them with a *Reminisce*. That the Lord *Bruce* of *Bremor*, having a Judgment given against him by the Barons of the Exchequer, said to the Chief Baron, as he was going out of Court, *Reminisce*; and that, for this, the King and Council, having heard the Cause, did judge the Lord *Bruce* to walk round about *Westminster Hall* in his Doublet and Hose, without a Cloak, Hat or Sword.

MR. Solicitor. That this House hath not Power to command the Execution of a Punishment in any Place out of this Town; but we may enjoin a Punishment, and if the Party do it not in the County or Place, where it is enjoined to be done, then we may command him hither again, or lay a Fine on him for Non Performance of the Sentence of this House.

It is ordered, that the Constables, who made these Warrants to the Freeholders to meet at *York* to choose Sir *Thomas Wentworth* and Sir *George Calvert*, shall make a Submission here at the Bar on their Knee, and shall do the same Submission at *York* at the Sessions.

Friday,



Friday, March 23.

**COMMITTEE.** There is a Patent of concealed Lands granted to Sir *Edward Dymock*, and Sir *Henry Wootton*.

A PETITION of the City of *Gloucester*, shewing and complaining, that Sir *John Townsend* hath sued the Hospital there for concealed Lands, pretending, that it was superstitiously founded; and hath rated it in his Book to be of the Value of Ten Shillings Rent *per Annum*; and that he pretendeth, that it, being superstitiously founded, is come to the King, by the Statute of 37 H. 8. and 1 Ed. 6.

SIR *Edward Cooke* saith, that *Henry Lord Cheyney* had a Suit in the King's Bench, *Pasche 24 Eliz.* for an Hospital, that was a Lay Hospital, wherein no Priest or Ecclesiastical Person was, because there were Prayers said, and that anciently, in the Times of Popery, Prayers had been there said for the Dead, viz. for the Founders: and it was then resolved by all the Judges of *England*, that that Hospital, nor any other Hospital, which was erected for the Relief of Laymen, and not for Ecclesiastical Persons, albeit Prayers were there said and exercised twice a Day, is not within the Statute of 31 H. 8. nor 37 H. 8. nor 1 Ed. 6. nor within any other Statute.

MR. *Savage* saith, that Sir *John Townsend* sued, in the Exchequer, the Hospital of Saint *John Baptist* in *Winton*. where there are kept Twenty poor People.

MR. *Mallett*. That Sir *John Townsend* drew up to *London* the Governors of the Hospital of St. *Mary Magdalen* near *Winton*. in which are kept Twelve poor People; and that the Governors did give Sir *John Townsend* between Five Pounds and Ten Pounds, and so were discharged.

MR. *Mallary*. That there are two other Hospitals, called by the Names of Saint *John Baptist* Hospital, and Saint *Mary Magdalen's* Hospital, which lie in *Rippon*, and were founded about Ed. 1. or H. 3.

Time;

Time; in each of which Hospitals there are Twenty poor People kept at this Time; and yet these were compelled by Sir John Townsend to come hither to London, where, having compounded with him, they were discharged.

*Saturday, March 24.*

“AN ACT for the Confirmation of several Decrees made in the Duchy of Lancaster, to confirm divers Lands, Moors, Waste, Encroachments, &c. which, by Composition with the Chancellor, and other of his Majesty's Officers of the said Duchy, are agreed to be Copyhold Land.” Because this Bill was to confirm divers Decrees, whereof the Dates, nor yet the Names of the Parties interested, were not mentioned; and for that also it was to have confirmed all such like Decrees, which should be made by the Court of the Duchy within Five Years; it was thought too general and too uncertain, and so was rejected; with Advice, that a new should be drawn and put in, which should be more certain and not so general.

“AN ACT to give Power to Justices of Peace to reestablish any Lessor, that is outed by forcible Entry, or that is kept out by Force, as well as to reestablish a Freeholder that is disseised.”

SIR Robert Phillips moveth, that every one, that stayeth in Town, might bring in his Name on Monday, and that they should be all of a Committee, during the Recess, to prepare such Things as are in Hand, and such Petitions as are delivered into the House; and he would have, for this Purpose, those, that shall stay in Town, to be divided into three several Committees: 1. For Grievances. 2. For Abuses in Courts of Justice. And 3. For dispatching of the Bills, which are committed.

SIR

SIR George Moore saith, he liketh not, that during the Cessation any Bill should be sate on at a Committee.

MR. Alford. That the ancient Order is, that (the Cessation continuing for so long Time) all the Bills, which are committed, and not reported, should be brought to the Clerk of the House, and remain there till the Access: Which is accordingly ordered.

MR. Hackwell moveth, that a Committee of those, that stay in Town, may be appointed to consider of the Petitions for Abuses in Courts of Justice; and that they at the Access acquaint the House with it. And that there may be the like Committee for Examination of Grievances: And that there may be also some Order taken, in this Cessation, for the Reformation of the Patents and Monopolies.

It is ordered, that those, who stay in Town this Cessation, shall on Monday next deliver their Names to the Clerk; and that out of that Number several Committees shall be appointed for Grievances, and for Abuses of Courts of Justice: But no Committee shall sit on any Bills already committed.

SIR Edwin Sandys. That it is of Officers, as it is of Physicians; and it is a good Author, that said, *Multitudo Medicorum perdit Imperatorem*, and so we may say, *Multitudo Officiorum vult perdere Rempub.* and therefore desireth, there may be some Order taken for the excessive Number of Fees and Offices, that now are in Courts of Justice:—He desireth there may be also a Care taken of the Petitions of Grievances; for it is the Honour of a Court of Justice to give Answer to all Petitions:—That there may be likewise a Committee for Preparation of new Bills, such as shall be thought fit; and also a Committee to examine the Causes of the Want of Money.

Monday, March 26, 1621.

- L. 1. "AN ACT concerning the Pourveyance for taking  
" of Horses, Carts, or Carriages by Land or by  
" Water,



"Water, for his Majesty's Service."—By this the Purveyor is to deliver a Copy of his Commission to the Mayor, Bailiff, or Constable, &c. of any Town or Village, or Hundred, where he shall come for Carriages; and the Taker of such Carts, Horses, or Carriages, shall deliver Money to such Mayor, Bailiff, &c. according to certain Rates to be made by the Justices of Peace; and if the Commission be not delivered accordingly to the Mayor, Bailiff, or Constable, &c. and also the Money after such Rates paid to the said Mayor, Bailiff, &c. then the Party may refuse to go with his Carts, Horses or Carriages: That no Carts with Horses shall go above Twelve Miles, nor with Oxen above Eight Miles.

It is ordered, that the Reason of the Decay of his Majesty's Revenue of the Forfeiture of Recusants shall be examined that Day sevensnight, that the Access of Parliament beginneth after *Easter*.

THE Petition of the Town of *Ilchester*, in the County of *Somerset*, shewing, that they have of ancient Time, ever since the Time of *H. 3.* sent Burgesses to the Parliament, and have so done still till *3 H. 5.* since which Time they, being grown poor, have forborne to send Burgesses:—That in the Time of King *Philip* and Queen *Mary*, they, being grown into better Estate, renewed again their Charter, whereby they had confirmed to them all their ancient Rights and Privileges; but not knowing their ancient Rights and Privileges till within a few Years since, searching among the Records of the *Tower*, they there found Precedents of their Rights and Privileges, and that they had anciently sent two Burgesses to Parliament: And therefore they now desire to be restored to the said ancient Privilege, and that they may, by Order of this House, send two Burgesses to this Parliament, as anciently they have used to do.

THE like Petition was preferred by the Town of *Pomfret*, in the County of *York*, Parcel of the Dutchy of *Lancaster*.

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By Order of the House, both of these Petitions are referred to the Committee of Privileges and Returns, to consider of the Records concerning the Privileges of these Towns, mentioned in these Petitions.

It is ordered by Question, that the Speaker shall send a Warrant to the Surveyor of the King's Works to enlarge the Gallery of this House, for the more Conveniency of those, that serve in Parliament; and there is a Committee named to appoint in what Manner, and where the House shall be enlarged and made more shady by some Device to keep out the Sun.—All which was accordingly performed, the Gallery being enlarged, and a Penthouse made over the Window next to the *Thames*, and a Curtain for the Window on the West End of the Gallery.

Patent of free  
Warrens.

SIR *Edward Cooke* saith, that Sir *Henry Brittan* hath a Commission under the Great Seal, to grant free Warrens to any Man in any Place, by which Patent the King is to have Twenty Shillings for every Warren, that is granted; and Sir *Henry Brittan* hath of some more, and some less, whereof the Medium, that he usually taketh for the Grant of such free Warren, is Thirty Pounds apiece. Free Warrens are the Flowers of the Crown, and are called Royalties, because none should grant them but the King.—This Patent of free Warrens was referred to the Lord Chancellor *Bacon*, being then Attorney General, and Sir *Henry Yelverton*, then Solicitor:—That this Patent brought Toll to their Mill; for they being the King's Attorney and Solicitor, no Patent of free Warren passed, but they had each of them a Fee out of it:—That the Patentee, Sir *Henry Brittan*, did did set up at Posts, that all such, as would have free Warrens, should come to such a Place, and to such Men, where they should be granted:—That the Patentee did compel all such, as had ancient Charters of free Warren, to compound with him, or otherwise he was sued in the Exchequer.

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THIS Patent is judged, by the Vote of the House, to be inconvenient; and it is ordered, that it shall be brought into the House, together with a Certificate of what *Quo Warrantos* have been sued forth concerning or by Virtue of this Patent.

SIR *Edward Cooke* reporteth, that Sir *John Townsend* hath a Patent of Concealments, wherein he hath passed seventeen Hospitals. Concealment Hospitals.

It is ordered by Question, and adjudged, that this Patent of Concealments, granted to Sir *John Townsend*, is a Grievance in the Creation and Execution.

SIR *John Townsend* hath another Patent of concealed Tolls, and Power to grant Toll; and if any Town have any Toll for the mending of any Bridge, Highway, or such like charitable Work, he doth fetch up to London whole Corporations by a *Quo Warranto*, and here maketh them compound with him. Toll.

It is by the Question adjudged, that this Patent of Toll, and Power to grant Toll, granted to Sir *John Townsend*, is a Grievance both in the Creation and Execution.

It is declared to be the Opinion of this House, Patents: that they think fit, that all Suits, which are to receive Trial on any Bonds for Payment of any Money (and all other Suits) concerning any of the Patents, that have been here judged Grievances, shall stay and not be proceeded on, till this House hath further considered of it.

SIR *Edward Sackville*. That those of the Trinity House of *Deptford* are faulty, and are a great Cause of the Decay of Trade, by imposing Seven Pounds, Eight Pounds, and Ten Pounds on a Bottom of Strangers Ships; and they are also unjust, and unworthy to have the Charge of the Lights, for false Dealing and exacting in Matter of Ballast:—That albeit they offer to maintain the Lights of *Wintertonness* and *Dungeonness* for nothing, but the Courtesy of such, as pass by those Lights; yet it is to be doubted Against the Trinity House of Deptford.

doubted, whether that in Time such voluntary Contribution rise not to the greatest Exaction on the Subject, since Men pay ordinarily dearest for that, which is referred to their Courtesies: wherefore he thinketh it not fit, that those of the *Trinity House* should have any Enlargement of their Power.

*Abuses in  
Chancery.*

MR. *Alford*. That, as Impositions hinder Traffic abroad, so the Abuses of the Chancery hinder Commerce at Home:—That in *H. 8.* Time, there were Forty Shillings given to a Lord Chancellor's Secretary, and Ten Pounds for a Gratuity to the Lord Chancellor for a Cause there heard of a Baron, so that it is not of late that Corruption is crept into that Court; he desireth, that there may be taken into the Consideration of this House some Remedy to these Inconveniencies in that Court, *viz.*

FOR Coven.

FOR Injunction and Decrees.

FOR Expeditions in Suits.

THAT Decrees there made may be final.

THE Remedy of which said Inconveniencies may be by having of three Judges in that Court, where the Decrees should pass by Plurality of Voices.

THAT there may be a Writ of Error, or an Appeal from the Decree of that Court, but so as the Party appealing pay very great Costs, if the Appeal or Judgment on the Writ of Error go against him, that brought it.

THAT all Causes may be always heard openly in Foro.

THAT no Man's Right may be decreed as a Depent on another Man's Cause.

THERE are also infinite Inconveniencies arising to the Subject, by judging on the Report of a Master of the Chancery, for which, he desireth, the House will give some Remedy:—That there have been Eighty Pounds taken by Masters of the Chancery on one Side, and Fifty Pounds on the other Side:—That there

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there are Doctors, who have by Reports purchased Five Hundred Pounds Land *per Annum*.

THAT, for Remedy hereto, he would, that Judges might have no Fees.

A REMEDY should be, that Registrars should not exact or take such extraordinary Fees for Orders; but that there should be some Certainty set down for every Order, whether long or short.

THAT there are One Hundred and One Orders made by the Lord Chancellor *Bacon*, to be observed in the Chancery, but the One marreth the whole Hundred; for, by that One, it is left to the Lord Chancellor to alter or add, what he list, to those Orders.

HE desireth, that there may be a Consideration, that Writs of Assistance be not so frequently granted to Sheriffs:—That none may be committed close Prisoners without very good Cause, but that they may have Liberty to solicit their Cause with their Keeper.

THAT there may be some Order, that there may not be so many References, nor above six Masters of the Chancery.

SIR *Robert Phillips*. That the Committees, who stay in Town, may be divided into four Parts: To consider, first of all, obsolete Laws; Secondly, of the Weight of the Grievances; Thirdly, of Abuses of Courts of Justice; Fourthly, of the Lights on the Sea Coasts; and desireth, that the Committee for Abuses of Courts may make a Sub-Committee for the Abuses of the Court of Chancery.

SIR *Edward Cooke*. That the Lord Chancellor ought not, neither can the Chancery, meddle with any Matter, that is determinable by the Common Law; and this is apparent from 2 *Ed.* 3. until this Time, by all the Books of Law and Statutes, as 15 *H.* 6. the like 3 *Ed.* 4. And he saith, we shall do nothing, if we make not an Act to remedy this. That the Lord Chancellor hath no Power of the

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Land,



Land, but of the Person; so as he cannot, by the Law, fine any Man for not performing of a Decree, or for disobeying any Order, nor for any Thing, but for a Contempt done in Court:—That the Chancery cannot grant a Writ of Assistance, or a Writ of Right; for the Chancery is no Court of Record, as for its *English* Proceedings:—That there go out Thirty-five Thousand Writs of Subpœna out of the Chancery in a Year; whereas in *H. 6.* when a Chief Justice was made a Lord Chancellor, there went forth but Four Hundred Subpœnas in a Year:—That no Judge of the Common Law can make a Deputy, as doth the Lord Chancellor:—That it is no Marvel, that the Lord Chancellor hath so many Deputies, or Masters of the Chancery, since there go forth yearly Thirty-five Thousand Writs; that he should be glad to bring Wax to the Hive, since he cannot bring Honey.

SIR *Henry Vane* saith, that there have not gone out of the Chancery above Sixteen Thousand Subpœnas in any Year, as the Books do manifest, and which, he desireth, may be shewn to this House; that they be not mislaid with an Information without Book.

A MESSAGE from the Lords, who desire, that this House will be pleased to sit, with the Speaker, in the Afternoon; for that their Lordships may have Occasion then to send a Message to this House.

SIR *Edward Warder*. That there was imposed in the Chancery on *Bowdler* and *Meggs* a Fine of One Thousand Pounds apiece, if they did not perform the Decree there made on the Behalf of *Morgan* against them; which Kind of Fines so made in the Chancery are against the Law:—That there is a Patent granted of this Fine to one Mr. *Gibbs* of the Bed-chamber.

SIR *John Bennett* delivereth a Petition from the Masters of the Chancery in ordinary, shewing, that they take Oaths severally to do diligent and true Service

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Service to that Court :—That they spend there their Labours, and have left off all their antient Fees, but Six Pounds Fourteen Shillings, which is indeed for their Livery :—That the Lord Chancellor, that now is, the Lord Treasurer, that now is, were, by a Reference from his Majesty, to consider of a reasonable Allowance, and upon their Certificate the Lord Chancellor, and the Master of the Rolls were accordingly to set down a reasonable Fee for the Petitioners; who desire, that they may have either such Fees confirmed to them by this House, or else that the ancient Fees, which are granted away from them by several Patents to several Persons, as the Offices of Subpœnas or Supplicavits, the making of the Writs of Protections and divers other Offices, may all be again restored to them.

It is ordered, that all those Members of this House who stay here in Town during this Cessation, shall be a grand Committee, as well those, who are named in the Committee, as others; and that they shall have Power to make Sub-Committees, to send for all Officers, Books, or any other Thing or Person, for the Examination of the Abuses of Courts of Justice :—That this grand Committee shall meet here in the House on *Thursday* next by Eight of the Clock in the Morning.

AFTERNOON 26 *Martii*, the House sitting with the Speaker.

MR. NOYE. That in 16 *Jac.* the King's Revenue out of the Alienation Office was Nine Thousand Five Hundred Pounds *per Annum*, in 18 *Jac.* it fell to Eight Thousand Pounds and odd Hundreds, and yet still the Subject is raised and payeth a greater Fee for every Fine, Recovery, &c. than was wont to be paid; which sheweth the Extortion of the Officers of the Exchequer. It appears by Records, that for those Manors, for which the King was wont to have but Twenty Pounds, the Subjects now pay Thirty Pounds; and for some, that paid

but Twenty Pounds, they now pay Forty Pounds; and yet is the King's Revenue for the Alienations much decayed. The Reason is, because there are not now so many Fines, Recoveries, &c. as were wont to be; for that Course is grown, by excessive Increase of Fees, to be so dear, that every one now rather adventureth another Course for their Assurance, than that they will be at the Charge of a Fine, Recovery, &c.

MR. *Wylde*. That the King's Tenants pay, for Respite of Homage, Nine Shillings, whereas there is due but Twenty Pence, and this is, when the Tenant is called up by Process to do his Homage; and every one is to pay his Respite of Homage every fifth Term.—Another Abuse in the Exchequer is, that Men are compelled (when they have a License of Alienation) on every Summons to plead their said Licenses to their great and needless Charge:—That upon the Death of any of the King's Tenants, the Officers of the Exchequer send forth a Writ of *Quo titulo ingressus est*, and thereby put the Tenant to the Charge of Twenty Nobles to shew his Descent, and for proving of his Title; and this Money the Officers do share amongst them.

A MESSAGE from the Lords, certifying this House, that their Lordships have taken full Consideration of Sir *Giles Mompesson's* Business, and are ready to give Judgment in it; whereof they thought good to give us Notice, that, if we please to repair to their Lordships to demand Judgment, we should there hear it pronounced.

MR. *Hackwell*. That in the Lord *Latimer's* Case (who did submit himself for Ten Thousand Pounds) the Commons did demand to add to the Censure given by the Lords:—That the Commons of this House were also present at the Judgment of the Lord *Nevill*.

SIR *Edward Cooke*. That the Message from the Lords being, that, if we please, we may repair to their  
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Lordships to demand Judgment, and that then we should there hear the Sentence; that the Use is, that we go thither with our Speaker, who from the House is to demand Judgment, albeit they have given it before; and then will their Lordships, by the Lord Chancellor or their Speaker, declare the Judgment to us.

HEREON, all the House of Commons repaired to the upper House, and there, standing without the Bar, the Speaker demanded Judgment accordingly of Sir *Giles Mompesson*; whereupon the Lord Keeper, then Speaker for that House, said, that

SIR *Giles Mompesson* is judged and awarded by the Lords to stand, and held fit to be degraded from the Order of Knighthood, with Reservation of their Dignity to his Wife and Children: the King to have all his Goods absolutely, and his Lands during *Mompesson's* Life, reserving to his Wife and Children their Title and Interest:—To stand outlawed, as for a Trespass; to be disabled to give any Testimony, to be of any Jury, or to be a Witness; to be excepted out of all general Pardons, to be in perpetual Imprisonment, to be fined and ransomed at Ten Thousand Pounds, to be ever held an infamous Person; to lose all his Offices, and never to bear any Office hereafter; not to come within twelve Miles of the King's or Prince's Court, or of any Court of Justice at *Westminster*.

*Sir Giles Mompesson's Sentence.*

To this Sentence the King was pleased to add perpetual Banishment.

*Tuesday, March 27.*

“AN ACT against the secret Offices and Inquisitions to be taken or found on his Majesty's Behalf, to the Prejudice of his Majesty's Subjects.”  
—By this it is enacted, that the Effect of the Writ or Commission for the finding of any Inquisition shall be set up at the Office Door, whence the Writ goeth



goeth forth; and that there shall be made an Entry of such Writ or Commission in the County Court a Fortnight before such Office shall be found; and also that it shall be proclaimed in the Market Town nearest adjoining to the Place, where the Land lieth that is to be enquired of.

*Pomfret de-  
fines Bur-  
gesses.*

SIR *George Moore* reporteth from the Committee of Privileges and Returns, that the Town of *Pomfret* in Com. *York* did send Burgesses to the Parliament in 26 *Ed.* 3. and that in 10 and 11 *Hen.* 6. that County (having received the King's Writ for the Election of Burgesses) did return, that by Reason of their Poverty, caused by the Barons Wars, they were not able to send any Burgesses to the Parliament, and only then sent Knights for their Shire. Since, in 4 *Jac.* the King confirmed their Charter and ancient Privileges. That this Town now only desireth, that it may enjoy the same, according to the King's Majesty's Grant.

*Ilchester de-  
fines Bur-  
gesses.*

THAT it appeared, that *Ilchester* in Com. *Somerset* did return and send Burgesses in 26 *Ed.* 1. and 1 *Hen.* 5. That that Town hath all its ancient Privileges confirmed to it by a Charter from the King, that now is.

IT is the Vote of the House, that the Towns of *Pomfret* and *Ilchester* should and ought to send Burgesses to the Parliament, according to their antient Privileges, confirmed to them by Charters from his Majesty. And it is accordingly ordered, that the Speaker shall send a Letter to have Writs to go down to these Towns for the Election of Burgesses there.

THE Act for Confirmation of *Wadham College* is passed this House.

IT is reported, that, at the Conference, the Lords said, that the King approved well of the Sentence given against *Mompesson*, and had added to the same Banishment out of all his Majesty's Domi-  
nions:—

nions :—That their Lordships did beseech the Prince to present their humble Thanks to his Majesty for his gracious Speech to them ; which his Highness did yesterday accordingly present in the Presence at *Whitehall* : when his Majesty was pleased to say, that he had double Thanks to render again to their Lordships ; first, for their Thanks, then for the Person, whom they had chosen to present the same ;—that they had thereby used a Craft to catch a King, for God himself hath promised to hear his Son, and to grant their Petitions, that ask in his Name, or come to him by his Son ;—that he did accept this, as a great Testimony of their Love to his Majesty.

\* \* THE Speech, for which the Lords did desire his Highness to present their humble Thanks to his Majesty, is now put in Print.

A MESSAGE from the Lords, that they, being desirous to continue the good Correspondency with this House, which hath been so well cherished during this Parliament, have thought good to acquaint us, that they purpose to break up this Forenoon, to the End, that, if we would have any Thing with them, we might send now presently ; and so their Lordships best Wishes do accompany us both in the Recess, in the Time of Cessation, and in the Access.

To this we sent Answer, that we would send to their Lordships presently ; which accordingly was done, the Substance whereof was only a Compliment of our well Wishes to their Lordships, and our Desire of the Continuance of a good Correspondency between both Houses.

THE Speaker is, by Order of the House, to present to his Majesty our most humble Thanks for his gracious Favour delivered in his Speech to the upper House yesterday, which accordingly he did deliver ;

deliver; and then his Majesty, giving a good Approbation of our Proceedings, did there, in the Presence of our House, knight our Speaker. (93)

THIS was the Effect of the Business done at the first Sitting in Parliament, which was adjourned a little before *Easter*.

*Serjeant RICHARDSON was Speaker.*

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(100) COMMITTEE during the Cessation at  
EASTER, 1621.

Saturday, April 7.

CAPTAIN *Thomas Hill* exhibiteth a Petition against Sir *John Bennett*, shewing, that Eight Years past, one *William Hill* (Cousin to the Petitioner) died intestate, worth in his Estate about Six Thousand Pounds:—That albeit the next of Kindred put in Caveats into the Court Christian, and did demand Administration, yet Sir *John Bennett* gave away the Administration to one *Fust*, a Stranger, and one whom the said *William Hill* in his Life time did not very well affect; and that this was done by Practice between one *Lord*, a Barber and Stranger (with whom *Elizabeth Hill*, Mother of the Intestate, sojourned) and the said *Fust* and Sir *John Bennett*:—That at first this *Fust* pretended a Letter of Attorney from *Elizabeth Hill* (Mother of the Intestate, and an old, senseless and bedrid Woman) that he the said *Fust* should have Letters of Administration; but after he flew from his Letters of Attorney, and, by Combination with the said Sir *John Bennett*, and for good Consideration given by *Fust* to the said Sir *John Bennett*, he procured the said Sir *John Bennett* to go to the old Woman, to see, whether she were capable of the said Letters of Administration, or no; and thereupon the said Sir *John Bennett* gave the Administration to the said *Elizabeth Hill*, and joined *Fust* with her, for an Assistant to help her manage that Business:—That this old Woman and *Fust* both died, having taken and embezzled all the Intestate's Estate; and *Lord*, the Barber, being pricked in Conscience for practising in the same, hanged himself:—That afterwards Sir *John Bennett* granted other Letters of Administration to one *John Hill*, Brother to the Petitioner, taking of him the said

Sir John  
Bennett's  
and Hill's  
Case.



said *John Hill* Bond of Two Thousand Pounds, that he should not meddle with any thing, that the former Administrator had done.

MR. *Smith* examined saith, that the Mother of the Intestate, to whom Sir *John Bennett* granted the Letters of Administration by Confederacy with *Lord* and *Fust*, was an Alien, Eighty Years old, bed-ridden, and senseless.

Respondet Sir  
John Ben-  
nett.

*Bancroft* was Executor to *Fust*, the Administrator.

SIR *John Bennett* answereth, that, because he had heard, that this old Woman *Mrs. Hill* was senseless, he went to her Chamber to see her, and talked with her a Quarter of an Hour, when she was very well, and walked with him all that Time in her Chamber, and talked as sensible, as ever he heard any Woman that was not above Sixty Years old :—That a Judge of the Prerogative may give Letters of Administration to a Stranger, and none of the Kindred can have any Remedy against him for doing so, albeit they have put in Caveats.—A Caveat doth intimate, that no Letters of Administration may be granted, till they, who have entered the Caveat, be heard; but, if the Letters of Administration be granted, the Party wronged hath no Remedy :—That the Law doth bar no Alien to take Letters of Administration of a Friend's Estate, who dieth intestate; for the Goods are to go to the next of Kin, *propter Consolationem* :—That *Fust* was held to be worth Ten Thousand Pounds :—That *Fust*, having entered into Bond for old *Mrs. Hill*'s true Performance of the Administration, desired this Respondent, Sir *John Bennett*, either to deliver him up his Bond, or else to join him in the Administration with the old Woman, for his better Security :—That he did join *Fust* in the Administration with the old Woman at her own Suit, because *Fust* did otherwise refuse to be bound for her :—That, if he had not done Justice, then they might have appealed :—That he never took any such Bond of Two Thousand Pounds of

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*John Hill* to tie him, that he should not question any thing, the former Administrator had done; and denieth, that he did ever embezzle any such Bond; for, if there had been any such Bond, he need not embezzle the same, for he may command all the Bonds in that Court, if he had listd to have cancelled or concealed the same; and that he knoweth, there is no such Bond delivered out of the Court, for that none can be delivered out of that Court, but first he must set his Hand to the Book.

*SIR Samuel Sandes.* That the Ordinary is to forfeit by our Law but Ten Pounds, if he do grant Letters of Administration to any one, who is of no Kin to the Deceased; and therefore desireth, that a Bill may be considered of to limit the Ordinary in this.—He saith, that Depositions taken between two Parties may not be permitted to be read in a Court of Justice to convince a third Person.

PROOFS by the Petitioner against *Sir John Bennett.*

*Richard Adams* examined saith, that he is a Cousin German to the Intestate *William Hill*:—That the Letters of Administration were first given to the old Woman alone; and afterwards, they being revoked, they were granted to her and one *Fust*:—That, a Year before she had the Letters of Administration, she was bedrid and senseless, and played with and used as a Child, and that she knew not this Examinant the Day before *Sir John Bennett* came to her; that she grew worse and worse every Day:—That this Examinant would have followed *Sir John Bennett* into *Lord's House*, where the old Woman was, but that he could not be permitted, and was repulsed, and told, that none of the Kindred might go into the House.

*Elizabeth Stot.* That she and another Woman, of old *Mrs. Hill's* Acquaintance, went often to see *Mrs. Hill*, who neither knew this Examinant, nor the other Woman:—That, when she went to tell *Mrs. Hill* that her Son was dead, she was above  
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an Hour with her, before she could make her understand, that her Son was dead, or get any Word from her more than *No*:—That she would cry and was beaten as a Child; and that she knew not, when her Excrements came from her.

*John Stot* examined saith, that, half an Hour before Sir *John Bennett* came to *Lord's* House to Mrs. *Hill*, he, this Examinant, at the earnest Importunity of *Lord*, went to see Mrs. *Hill*; of whom he asked, whether she would be Administratrix to her Son or no? but could get no Answer from her in half an Hour, other than *Ha?* but at length telling her, that her Son was dead, and asking her, whether she would have his Goods or no? she answered *No*; whereon he asked her farther, who then should have them? she said, *Lord*.

*Richard Adams* again examined saith, that *Fust* was joint Administrator with Mrs. *Hill*, and was (as he hath heard) one, that the Intestate did not love, nor would trust in his Life Time:—That he heard (about the Time of the Death of the Intestate) that *Fust* was held to be, in a Manner, Bankrupt.

*John Stot* again examined saith, that at the first *Fust* shewed a Letter of Attorney from Mrs. *Hill* to testify her Desire to have him Administrator; but he surrendered that, and was afterwards made a joint Administrator with her.

*William Benson*, a Messenger of the Court of Wards, examined saith, that he knew Mrs. *Elizabeth Hill*; that he thinketh, Mr. *Fust* was joined in the Administration with Mrs. *Hill*; that he carried a Jewel or Carcanet to Sir *John Bennett's* House with Mr. *Ashton*, his then Master; which Carcanet was to be left there, and (as he hath heard) it was to be given to the Lady *Bennett*, from one *Lord*, a Barber, who was to have Seven Hundred Pounds of the Goods of the Intestate:—That the Jewel was worth (as he hath heard) One Hundred, or One Hundred and Twenty Pounds:—That, after the giving of this Jewel,

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Jewel, there were Bonds to the Value of Five Hundred and Twenty-five Pounds delivered to this Examinant's Master, who solicited that Business for Lord, the Barber.

Mr. *Ashton* examined saith, that he or his Man (he well remembereth not, which of them) did deliver to one Mr. *Philip King* the Jewel, from one Lord, a Barber, to be by Mr. *King* presented to the Lady *Bennett* :—That Lord was to have a Courtesy from Sir *John Bennett* :—That he thinketh, the Jewel was not worth above Thirty Pounds, being set with Rubies and Tophies, in a Border of old *Spanish* Work :  
(102) —That this Lord, the Barber, did name *Fust* to be joined in the Administration with the old Woman, who lay in Lord's House :—That he hath heard, the Intestate's Estate was worth about Six or Seven Thousand Pounds.

*Richard Adams* again examined saith, that the Inventory of the Intestate's Estate amounted to Five Thousand Seven Hundred Pounds :—That, after three Years' Suit, Sir *John Bennett* did give, and cause the Executor of *Fust* to give, to the Poor of the Intestate's Kindred, to some Twenty Nobles, to others Ten Pounds, to others old Bonds for Money :—That all, or the most Part of those, that received any such Money, did give severally general Releases to one *Bancroft*, who was *Fust's* Executor :—That the Inventory was not registered, nor was to be found in the Court ; that this Day he searched for it, and could not find it.—That the Officer said, that Sir *John Bennett* had the Inventory, but he was tied by his Oath to return and register it.

Tuesday, April 10.

COMMITTEE. Concerning the Decay of Trade. Concerning the Decay of Trade.

SIR *Edwin Sandys*. That the Sub-committee thought fit, that no Shopkeeper, Vintner, Retailer, or Warehouse-keeper, in the City of London, should be



be a Merchant to trade beyond the Seas ; but that those of the Out Ports may use more Trades than one, according to the Custom of those Ports ; and this is illustrated by an Example of a Nobleman, who, having a great Household and Estate, hath many several Officers, and the one of them meddleth not, nor hath to do, with what appertaineth to the other's Office ; but a Gentleman hath not, nor is able to maintain, so many several Officers ; nor yet a Yeoman so many as a Gentleman, for his Estate will not bear it ; so as he is sometimes both Master and Servant. So those of the Out Ports (whose Estates are for the most Part but small) are not able, by Reason of their poor Estates, to live by trading only in one Trade. It is left to the Choice of all such, as in the City of *London* have two Trades, to choose which Trade he will have, but he is to exercise only one ; as, if he be a Vintner and a Merchant, he may be a Vintner, if he will, and leave being a Merchant, and so on the contrary. For other great Cities, as *Bristol*, *Exeter*, *Norwich*, and the like, they are to continue their Customs, unless they desire to have it restrained, as in *London*.

2. Concerning the Trade of Manufactures into *Spain*, it is thought fit, that a Bill be drawn, that all Perpetuanas, Serges, and all other new Draperies and Manufactures of this Kingdom, be made true and loyal, both for the Length, Breadth, and Weight, according as they have anciently been made ; and, accordingly, a Bill is ordered by the House to be drawn.

3. A third Head, touching the Decay of Trade of *Spanish* Merchants, is the Importation of Tobacco, which bringeth One Hundred Thousand Pounds *per Annum* Loss to the Kingdom, at the least ; according to which Account there hath been above One Million of Pounds lost to the Kingdom, since the King came into *England*. There is paid in *Spain* for Tobacco, by Wares or Money, many say, Fifty Thousand,

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and, others, Sixty Thousand Pounds *per Annum*; and there is lost in the Prices of our Merchandises, that are carried thither, Fifty or Sixty Thousand Pounds, as the Merchants confess; for the Merchants, who trade into *Spain*, do usually lose in the Sale of their Merchandises, to have the first Choice of the first Tobacco, that comes to Ten, Fifteen, and sometimes Twenty of the Hundred of the Goods they vent; whereas they were wont to get Twenty of the Hundred:—That we were wont to have out of *Spain* only Figs, Raisins, Oranges, Lemons, Wine, and the like Exchange for our Merchandise; what was overplus we were wont to have thence in Coin and Bullion:—That now we have Tobacco instead of Bullion and Coin:—That the Tobacco, which those Merchants buy in *Spain* for Five Shillings, is sold here to us by the Shopkeepers for Fifty Shillings:—That Mr. *Bennet's* Book, concerning the Tobacco, which is yearly imported out of *Spain*, is well compiled, and held by all these Merchants and allowed for a Truth:—That the Remedy of this may be, that there is sufficient Store of Tobacco in *Virginia* and the *Summer Islands*, for this Kingdom and others; that the Tobacco there is much bettered; that the Tobacco of the *East Indies* was not at first so good, as now it is; that none are allowed to bring any Wines into *Spain*, till their own be spent; that trading for Tobacco is not particularly mentioned in the Treaty between *Spain* and us.

THE Committee thinketh it fit, that no Tobacco should be brought hither out of *Spain*, but only out of *Virginia* and the *Summer Islands*; and that no Tobacco should be sold for above Eight Shillings the Pound.

MASTER of the Wards saith, *Humpson* and *Oswick* are the two greatest Merchants, that bring Tobacco out of *Spain* into this Kingdom.

SIR *Edwin Sandys*. That *Humpson* and *Oswick* are the Patentees and Malefactors, who have much abused

abused this Kingdom ; and that they have more Monopolies besides.

SIR *Samuel Sandes*. That we should hear the Reason of all Men, and that we weigh not the Credit of any Person, but his Reason.

MR. *Salisbury*. That Eighteen Years since, when he was in the *West Indies*, a Man might have, for a Jew's Harp, or a Thimble, or the like, Ten Pounds worth of Tobacco.

THE King, when it was lawful to transport Wool, was wont to have, for Custom, Twopence of every Pound of Wool transported ; and not having so much now for the Cloth, which is transported, his Majesty doth take his Custom after a certain Rate for a Long and a Short Cloth ; and hath likewise Twopence the Pound more than the ordinary Custom for Cloth, to make up the full Custom, as it was, when he had Twopence for the Custom of a Pound of Wool ; and this Twopence of a Pound Weight, which is above the usual Rate of the Custom for a Cloth, is called pretermitted Custom.

MR. *Bennett*, a *Spanish* Merchant, examined, saith, that, by Means of this Imposition of the pretermitted Custom, the King, for every Ten Shillings that he hath for the pretermitted Custom, loseth Five Pounds, for so much would otherwise (and was wont to) be exported ; and then Five Pounds more, which this Imposition of the pretermitted Custom hindreth in the Importation ; so as, for Ten Shillings gotten by the pretermitted Custom to the King, his Majesty loseth Ten Pounds.

THE pretermitted Custom on a long fine *Kentish* Cloth is Five Shillings and Threepence, and on a *Suffolk* Cloth Four Shillings.

MR. *Humpson* and Mr. *Oswick*, Patentees for Tobacco, examined say, that they have bestowed this Year about Forty Thousand Pounds, of which they paid, by Way of Exchange, Twelve Thousand Pounds, and the rest was paid in Goods and Merchandises, which

which they carried into *Spain*:—That it is true, that the Merchants have used, and do still lose Twenty, and sometimes Thirty of the Hundred of the Goods they export, only to have the choice and best Tobacco, because they can here have, for the Tobacco, double the Value of the Goods they do export.

It is thought fit by the Committee, that all Tobacco that is not grown in some of our King's Dominions shall be prohibited, so as it be not prejudicial to the Treaty which is made between our King and the King of *Spain*.

SIR *Samuel Sandes*. That a Parent may not be Executor or Administrator to a Child, but in some certain Cases. The poor Kindred of *William Hill* the Intestate had not above Four Hundred Pounds of all his Goods, and they have spent as much or more in suing for it. There is no Account to be seen of all the Estate, being Six or Eight Thousand Pounds, so as there can be no Help or Remedy for the poor Kindred. Had not there been expressed a Penalty in the Act, whereby the Ordinary is tied to grant the Administration unto the next of Kin, the Act had been void.

*Thursday, April 12.*

104) SIR *John Bennett* answereth, that *Elizabeth Hill* Hill's Case against Sir John Bennett. the Mother was not eighty Years old, as is alleged:—that Dr. *Pope*, who was his Surrogate, did tell him, that she was capable of the Administration, and very sensible:—that hereon and upon *Fust*'s bringing of the Letter of Attorney from Mrs. *Hill* to be joint Administrator, he granted the Administration to her and *Fust*:—That there is an Evidence in the Court of Exchequer, that she was proved to be of sane Memory, that he can prove by the Testimony of Dr. *Pope*, *Sandford* a Public Notary, the Registrar, and one that was with him the said Sir *John Bennett*; all of whom will depose, that

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that the said Mrs. *Elizabeth Hill* was of good Sense and sane Memory : but he saith, not waving that she was of Sense, that the Statute of 31 *Ed.* 3. doth tie the Ordinary, that the Administration shall be granted to the next of Kin without Limitation, whether the Party be of sane Sense and Memory, Yea or No ; for that might bar an Infant, to be a joint or sole Administrator.

MR. *Ireland* examined saith, that 13 *Octobris*, 1612, he went, with Dr. *Pope*, to give the Administration to Mrs. *Elizabeth Hill*, who was lying on her Bed, whenas Dr. *Pope* gave her the Oath of Administration for her Son's Goods :—That, having received the Oath, she kissed the Book ; and that Dr. *Pope* did ask her, whether she knew of any Will that her Son had made, and she answered, No : but he heard her say no other Word than No ; but he perceived not that she was of good Sense and Memory.

It is proved that Thirteen Days after this, viz. 26 *Octobris*, 1612, Sir *John Bennett* went to this old Mrs. *Hill*, to see whether she were sensible and capable of the Administration of her Son, or No.

MR. *Erfwell*, the Registrar, examined saith, that he was present when Sir *John Bennett* did, on a new Administration, wherein *Fust* was joined, minister an Oath to old Mrs. *Elizabeth Hill* :—that she did then sit in a Chair, but she did neither rise up, nor walk in the Chamber ; that he remembereth not of any other, that was in the Chamber at that Time, but himself, Sir *John Bennett*, and one *Sandford*, and thinketh that *Lord* was there then :—that, as he remembereth, she answered Aye, being asked by Sir *John Bennett*, whether *Fust* should join in the Administration with her ? And that he remembereth nothing else, that she said, whilst he was there.

MR. *Sandford*, a Proctor, examined saith, that, when he was Sir *John Bennett's* Servant, he attended his Master to this old Woman :—That *Fust* desired  
his

his Master to go to her to administer the Oath :—that she kissed the Book when the Oath was administered to her, and she being asked, whether Mr. *Fust* should be joined in the Administration with her, for her Son's Goods and Estate, she answered, Yes:—That he remembereth nothing else that was demanded of her, or spoken by her :—that she offered to rise up when Sir *John Bennett* came into her Chamber.

It is a Maxim in Law, that *Res inter alios acta, alteri nocere non debet* : Therefore Depositions that were taken between *Thomas Hill* and some others, in a Suit between them and one *Bancroft*, who was Executor to *Fust*, whereby it is proved, by divers Deponents, that Mrs. *Elizabeth Hill*, Mother to the Intestate, was a senseless Woman, and incapable of the Administration, would not be permitted to be read at the Committee ; and these Depositions were the rather rejected, for that they were taken by a Commission out of the Chancery, no Bill depending in Court.

MR. *Noye*. If Depositions taken by Commission out of the Chancery, without a Bill depending in Court, may be permitted to prejudice any Man, there is no Man so clear but he may be infinitely wronged : And, if such Depositions so taken do tend to the Defamation of a third Person, they are but as a Libel.

(105) SIR *John Bennett*. That *Elizabeth Hill*, Mother of the Intestate, made a Will, the Thirtieth of *October*, 1612, which is Four Days after she had the Administration, wherein *Fust* was joined by him this Respondent, and that the first Interrogatory that is administered in the Ecclesiastical Court for Proof of the Validity of her Will, is, whether that she were of good Sense and sane Memory, at the Time of the making of the said Will ; which is accordingly proved legally in that Court, by Six or Seven Witnesses : and therefore he desireth, that those Depositions, which were legally taken, may be read, to clear

this Point, whether he had granted an Administration to a senseless Woman, or no, as is suggested.

Mr. *Ashton* examined saith, that he hath seen Mrs. *Elizabeth Hill* since her Son's Death walk out of one Chamber into another:—That she was then of good Sense and Memory, and a cunning Woman:—That she gave this Examinant Four Hundred Pounds Legacy, by her Will, but he never had so much as one Five Pounds for it, for it was not to be had:—That she and *Lord* both died not worth Five Hundred Pounds:—That the Reason why she, being Administratrix to *William Hill*, the Intestate (who died worth above Six Thousand Pounds) was no more worth, was, for that one *Goddard* (who married a Niece of the Intestate's) setting afoot a Nuncupative Will, which he pretended to be good in Law, there could be no Distribution till that Will were judged; before which was done, the old Mrs. *Hill* died, never having received a Penny of the Intestate's Estate.

Mr. *Hart*, a Proctor, examined saith, that the 13th Day of *October*, 1612, Mrs. *Elizabeth Hill* was of good Sense and Memory, but somewhat of a silly Woman; that on that Day (when he was with her) she walked out of one Chamber into another:—That when she made her Will she was a sensible Woman; but he saith that *Lord*, the Barber, asked her of every Particular of her Will, and she answered as is expressed in the Will; and that, *Lord* asking her who should have all her Goods, she said that *Lord* should have all:—That (as he remembereth) she did set her Hand to the Will.

*Thomas Snow*, a Clothworker, examined saith, that he knew Mrs. *Elizabeth Hill* almost Forty Years before she died, as having been her Neighbour:—That she was, at the Time of the Death of her Son, *William Hill*, and still afterwards, a silly, senseless Woman; that she was led up and down by *Lord*, a Year before her Death:—That *Fust* did send Sir

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7. *Bennett* Ten Yards of Black Cloth after the Death of Mrs. *Elizabeth Hill*.

*Nicholas Goddard*, a Hot Presser, examined saith, that Mrs. *Elizabeth Hill* was, about half a Year before her Son's Death, and about her own Death, a senseless Woman:—That two Years before her Death she could not tell how many two and three was:—That she was, half a Year before her Death, in *Stot's* House, and that, when she was asked any thing, she would answer Aye or No, but nothing to the Purpose:—That this Examinant had, by Agreement, by Sir *John Bennett's* Procurement, Thirteen Hundred Pounds, for he endeavoured to have proved a Nuncupative Will, whereby *William Hill* did give this Examinant's Wite (who kept the House of the said *William Hill*, and was his nearest Cousin) all his Estate:—That the Estate of the said *William Hill* was worth Five Thousand Six Hundred Pounds, besides Jewels, and some Debts which were not valued:—That there was delivered into the Prerogative Office, an Inventory of the said *William Hill's* Estate; for he had a Copy of it out of the said Office.

MR. *Brooke*. That *H. 3.* had a Grant of all Intestates' Goods to be disposed of as he should think fit: Afterwards the King ordained, that the Ordinary should have Power to dispose of the Intestates' Estates; and after, for the Ease of the Ordinary (who was, according to his Discretion, to dispose of all the Goods and Estate of the Intestate, for the Payment of the Debts, and after to give the rest to the next of Kin, as he should think fit) it was by the Statute of *Westminster* thought best, that the Administration of an Intestate's Goods should be committed to the next of Kin, and that (Debts being paid) the Surplusage of all the Goods should remain to the Administrator, as it doth to the Executor; only he is to give something to pious Uses.

MR. *Smith*, the Plaintiff *Hill's* Council, chargeth, that an Inventory of the Intestate *William Hill's*



Estate was put into the Court, and it amounted to Five Thousand Three Hundred Pounds.

Mrs. *Knower*. That the Goods of the Intestate were appraised at a very low Rate, and as *Fust* would have it; and that there was Gold, Jewels, Plate, and other such Things which were not put into the Inventory.

ONE *Stot* examined saith, That a Commission was granted to Mr. *Gassett*, Mr. *Fust*, Mr. *Heath*, and this Examinant, to appraise the Intestate's Goods:—That they appraised all the Goods:—That he told the Gold, and there was of it One Hundred and Sixty Pounds; that there were also divers Bonds:—That Mr. *Goddard* brought divers Bonds, and a Box of Gold to this Examinant's House, to be kept for him the said *Goddard*, but this Examinant refused to keep the same, and so *Goddard* carried the same away again; but this Examinant knoweth not whether, that after, by the Persuasion of this Examinant, the said *Goddard* delivered up to Mr. *Fust* all the said Goods, Gold, Bonds, and Box:—That he thinketh that the Inventory, that he, this Examinant, and the rest made, came to Five Thousand Five Hundred Pounds:—That his and the rest of the Appraisers' Hands are to the Inventory.

MR. *Kepax*. That the Executor or Administrator ever useth to keep the Inventory itself, which is made and subscribed by the Appraisers; and delivereth into the Court a Copy of the same, upon his Oath.

MR. *Stot* examined, saith, that the Inventory shewed to him, is not a Copy of the Inventory which he and the rest of the Appraisers made:—That Mrs. *Elizabeth Hill* could write very well, and did use to keep Accounts, and write Acquittances herself:—That he thinketh, if she had not been senseless, she would have written her Name, and not her Mark, to the Inventory.

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MR. *Goddard* examined faith, that the Inventory was brought into the Prerogative Court at his Instance.

SIR *John Bennett*. That the Appraisers appraise not the Goods on Oath, but if there be any Man that requireth any Part of the Goods, that then the Administrator is to be put to his Averment for the Truth of the Inventory, and the Prices of the Goods. If one that hath a Will demandeth Administration, he maketh void the Will; but if a Will come to his Knowledge and Hands after the Letters of Administration were granted, such a Will, being duly proved, is to take Place.

MR. *Kelvert* examined faith, that, after the Death of one *Holman*, a rich Man of *London*, his Son in Law, called Mr. *Hall*, laboured to have an Inventory brought first into Court before the Will were proved, and to that End got *Sandford* to put in a Caveat, so that this Examinant's Client, Mr. *Peter Holman*, Son to the Deceased, could not have his Father's Will proved in common Form; whereupon this Examinant, at the Entreaty of his Client, rode to Sir *John Bennett*, together with *Munday*, his Client's Servant (Sir *John Bennett* then being in the Country near *Windfor*) and there delivered Sir *John Bennett* Twenty Pieces from his Client, desiring his Favour, that his Client might be admitted to prove his Father's Will, and his Client would be farther thankful to him; whereupon Sir *John Bennett* wrote his Letter to *Sandford*, his Man, that, *non obstante* the Caveat, the Will should be proved; which, as soon as this Examinant came back to *London*, was accordingly done. This Examinant, in his said Journey to Sir *John Bennett*, lamed a Gelding which cost him Ten Pounds, and for that and his Pains his Client gave him Twenty Pieces more; and Sir *John Bennett*, hearing of it, asked this Examinant for the other Twenty Pieces which he had received, and was very angry that he would not deliver the same to

*Holman and Hall.*

to him, the said Sir *John Bennett*; albeit the Will was proved in common Form, and the Caveat was entered by the Means of *Sandford*, Sir *J. Bennett*'s Servant, only to draw Money from him who should come to prove the Will.—In the Case of one *Mansell*, some of the Kindred gave Sir *John Bennett*<sup>(107)</sup> Twenty Pounds, to have Three Hundred Pounds out of the Estate; and the Widow gave him One Hundred Pounds, that they might not have above Three Hundred Pounds.—In one *Scarlett*'s Case, Sir *John Bennett* asked, what would be given, if he should incline for the said *Scarlett*, and thereon he, being a poor Man, gave Sir *John Bennett* Five Pieces.—One Mr. *Jonathan Rasbely* did deliver to one *Wilson*, for Sir *John Bennett*, Forty Pieces, and he, by Sir *J. Bennett*'s Direction, gave Twenty Pieces to a Scrivener; and *Wilson* saith he gave Eighty Pieces more to Sir *John Bennett*.—That one *Nest*, dying worth Fourteen Hundred Pounds, made a Will, and made one *Nest* Executor: There was a Nuncupative Will set on Foot, which was only, that *Nest* dying should say to one *Geere*, *You have the Keys, take all and pay all.* In this Case Sir *John Bennett* had of *Nest* Ten Pounds; and Five Pounds more was given to *Sandford* for Sir *John Bennett*; and Five Hundred Pounds more delivered in Goods for Sir *John Bennett*'s Use: so as, when he had proved the Will, paid all Debts and Legacies, he was a great Loser by the same, by Reason Sir *John Bennett* had so much of him.—One *Mercer*, a poor Miller dying, his Daughters gave Sir *John Bennett* Five Pieces, that they might have Portions out of their Father's Estate.—One *Malapert* dying, one *Peter Ricard* gave Three Pieces to the Lady *Bennett* for to have the Administration.—*David Harcourt* or *Harper* dying, one Mr. *Losyer* gave Sir *John Bennett* Five Pieces for Right pretended.—That one *Dams*, a Mercer in *Cheapside*, did say to this Examinant and another, that he gave One Thousand Pounds

Pounds about a Will, which the Lady *Billingsley's* first Husband made.—That the Fees of an Administration are but small; but Sir *John Bennet* takes great ones, and hath raised them from Five Shillings to Five Pounds.

MR. *Kelvert* is ordered to bring a Note of the old Fees, and of the Fees that are raised.

Friday, April 13.

COMMITTEE. Captain *North* petitioneth, that his Goods are seized and detained by the *Spanish* Ambassador's Means, and by the Patentees for the Importation of Tobacco: And that the Adventurers have not only delivered up his Patent, which was to go to the River of *Amazons* in *America*, but have also withdrawn their Adventures:—That there are One Hundred Gentlemen, who are by him left in the Country of the *Amazons*, (himself being called thence by the King's especial Command) and, if they be not suddenly relieved, will there perish.

SIR *Thomas Rowe*. That the *Spanish* Ambassador never opposed Captain *North's* Patent for a Plantation at the *Amazons*, till Captain *North* and the Adventurers had bestowed the Charge of Three Thousand Pounds in setting forth this Ship, and were gone to *Plymouth*; when he procured a Stay of the Ship, and Captain *North* (albeit his Patent was passed the Seal, and he had taken his Leave of the King and all his Friends here, and lay there for nothing but a Wind) was commanded, by one of the Secretaries of State, not to depart without further Leave from his Majesty. So when as Captain *North* had staid a good Time in Obedience to this Command, he, at Length (considering the Charge he had been at, and at what Costs he lay there, and imagining also that his Stay was only by the Malice of the *Spanish* Ambassador procured) hoisted Sails, and went away without further Attendance: Whereupon the *Spanish*



*nish* Ambassador procured the Proclamation for his speedy Return, on a Penalty, and got some to be sent after him; and, in his Absence, the rest of the Adventurers (whereof there were many noble Lords and Gentlemen, as well of the Privy Council as others) resigned up the Patent, and have refused to continue their Adventure. And now Captain *North* is come home, the *Spanish* Ambassador hath seized the Tobacco, saying and alleging it was grown on his Master, the King of *Spain's* Ground. But the Truth is, Sir *Thomas Rowe* and his Servants were the first that inhabited and planted in those Parts of *America*, which is called the Country of the *Amazons*.

ANOTHER Petition of those that are left in the Country of the *Amazons*, shewing their great Want of Relief, and how they are ready to perish there; and therefore desire either to have a Supply sent them of Victuals or other Necessaries, as Cloathing, &c. or else that they may be sent for home.

SIR *Edwin Sandys*, concerning his Majesty's Right of Soil to the Country of the *Amazons*. That his Majesty, after a long Debate, did grant a Letter Patent; the which Patent, on an Information that his Majesty was abused, he was pleased again to revoke; and on a better and truer Information did grant another Patent for the Plantation in that Country. —Desireth that it may be considered, whether the King hath Right or no to that Land; the Plantation there being first made by his Subjects about Twelve Years since. It is no Denomination of Pope *Alexander 6.* (who gave all the *East* and *West* to the King of *Spain*) that can make a just Title; but, if the King of *Spain* hath any other Interest, it is Justice to hear him, and then to dispose of it accordingly, to him who hath the most just Title: But, if we admit of Pope *Alexander 6.* his Denomination (which is a general Claim) then the *Spaniard* will have,

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have, by the same Title, both *Virginia* and the *Bermudas*.

MR. Rowles. That about 12 *Jac.* one *Poultres* King of Spain summoned to appear in the King's Bench. sued the King of *Spain* in the King's Bench, for *Brassin Wood*: The King of *Spain*, in his Plea, set down his large Title; and the Plaintiff demurred on the Title because of the Misnomer. The King of *Spain* was then and there called in open Court, to appear, by the Name of Philip, *King of Spain, come into the Court*; whereon he (failing to appear by his Attorney) was nonsuited.

SIR *Edwin Sandys*. That, if the King will not (as the Chancellor of the Dutchy saith) take on him the Sovereignty of that Country and Territory, yet, it being a vast Country, it is by the Law of Nations and Nature the Occupiers; for in such Cases, *Seget est occupantis*, it is a good Title and Claim.

It is, by Question, declared to be the Opinion of the Committee, that Bail should be forthwith put in *de bene esse*, for the Goods brought in by Captain *North* (because they may not be spoiled) until the Title shall be tried. And it is also the Opinion of this Committee, that it shall be left to the House, either to supply, or send for home, those Gentlemen who are left in the Country of the *Amazons*; and that, if they are to be supplied, that to be at the Charge of all the Adventurers; if they are to be sent for home, that to be at the only Charge of those Adventurers who delivered up the Patent.

CAPTAIN *Grise* petitioneth, that he and his Wife having joined in the levying of a Fine of certain Lands, his Wife hath since unduly and unjustly procured the Lord Chancellor to stay the going forth of the Writ of Covenant; whereby he is much damaged.

MRS. *Grise*, Wife to the said Captain *Grise*, petitioneth, that her Husband, Captain *Grise*, got to marry her by Practice, himself being a Man of no Estate, and she then having One Hundred and Sixty Pounds,

Pounds *per Annum*, Land of Inheritance, and Two Hundred Pounds *per Annum*, Jointure :—That her Husband got, and constrained her to levy, a Fine of *Oubie*, which is the Land of One Hundred and Sixty Pounds *per Annum*; whereof she after repenting herself, when she understood the Danger of it, laboured to get the Writ of Covenant staid :—That her Husband, having gotten all her Estate into his Hands, alloweth her but Forty Pounds *per Annum* for the Maintenance of herself and her Son, whom she maintaineth at the University.

It is the Law, that a Writ of Covenant should be taken out within a Year after the Fine acknowledged.

Friday, April 13. In the Afternoon.

COMMITTEE. *Jo. Fletcher*, Merchant, examined saith, that the King of *Spain* hath laid a Rial on a Pound of Tobacco more than was imposed before the Treaty. He saith further, that he had Five Hundred Pounds worth of Goods, which he calleth Northern Dozens, taken away from him, and his Warehouse was broken up then by the King of *Spain's* Officers for to come by the same. This was done at *Seville*, and he was glad to sell these Cloths afterward, on his Removal from thence, to an *Englishman* for One Hundred Pounds Sterling Loss :—That he that bought it hath not yet gotten the same :—That there are likewise divers other Merchants that have thus lost their Goods. (109)

SIR *Edwin Sandys*. That it is no News to have the *Englishmen* thus abused in *Spain*, and their Goods thus taken away :—That those who were of the first Parliament in this King's Time know, that it was then complained of, that the King of *Spain's* Officers had taken away in *Spain*, from one *Hall*, and other *Spanish* Merchants, the Value of Two Hundred Thousand Pounds.

SIR

SIR William Stroude. That (as he remembereth) there was complained in the first Parliament, that there was above One Hundred Thousand Pounds taken from our *English* Merchants by the *Spaniard*, but (as he remembereth) this was by Way of Reprisal for Goods which some *Englishmen* had taken from some of the King of *Spain*'s Subjects.

It is alleged, that there is an old Law, that no Stranger shall import more Foreign Merchandise than he doth or shall export of ours in Exchange for the same; and this was to prevent Exportation of Money.

It is resolved by the Committee, that we may prohibit Tobacco from being brought hither, out of the King of *Spain*'s Dominions, without Prejudice to the Treaty between our King and the King of *Spain*; for that the King hath, since the Treaty, laid Impositions on such Merchandise as we have carried thither, and prohibited other Commodities which we used to carry thither from other Countries.

SOME Causes of the Want of Money, and Decay of the Trade of this Kingdom, delivered by the Company of Merchant Adventurers.

*Causes of  
Want of Mo-  
ney and De-  
cay of Trade.*

THE Wars in *Germany*, whereby we cannot send our Cloths thither.

THE Abuses in false making of our Cloths.

THE *East India* Company; who carry out of the Kingdom One Hundred Thousand Pounds *per Annum*.

THE high Rates of Money in the *Low Countries*, of that it is here.

THE uncertain Rates of Money beyond the Seas; which maketh the Merchant a Loser in his Trade when he casteth up his Reckonings.

THE Interlopers at the Out Ports.

THE Transportation of *Irish* and *Scottish* Wool.

MR. *Withers* examined saith, that by Reason of the great Stretching of Woollen Cloth it is made much the worse; and the Remedy of this would be

to



to have our Cloths well wet before they are fold or sent over :—That a principal Cause of the Want of Money in this Kingdom is, the high Prices of the Mint ; for the Rate of Coinage is raised from Six Shillings, which was the Price in Queen *Elizabeth's* Time, to Forty-six Shillings, and from this Forty-six Shillings it is now again reduced to Fifteen Shillings, which is now the Rate of the Coinage ; so as there is still Nine Shillings raised in the Rate of Coinage, more than was in the late Queen's Time :—The Allowance of the Weight of our Gold is too much, for here, if our Gold be either two Grains above the Rate, or two Grains under the Rate, it is to be current ; so he that coineth may gain Four Grains of Gold, which is worth [ . . . . . ] :—That beyond Sea there is allowed but half a Grain above the Rate, and half a Grain under the Rate :—That albeit our Mint goeth for Silver at as low a Rate, as it did in Queen *Elizabeth's* Time, yet it goeth still at higher Rates than it doth beyond Sea. He saith, he saw divers Rials and Pieces of Plate in an Officer of the Mint's Hands, who told this Examinant, he could sell the same at better Rates to the Goldsmith, or beyond Sea, than to coin it, the Rates of the Mint are so high ; and that was the Reason he would not coin the same, though he was an Officer of the Mint.

Trade of  
Cloth.

THE Decay of Trade in Cloth is occasioned by prohibiting all Men, except Merchant Adventurers, to transport Cloth.

THE Endearing of Cloth, by the great Impositions<sup>(110)</sup> which are more than were wont to be :—That there is paid

To the Alnagar	-	-	-	-	6d.
To the Earl of <i>Cumberland</i>	-	-	-	-	2s. 8d.
Pretermitted Custom, at a Medium,					} 4s.
comes to for a Cloth	-	-	-	-	
To the Searchers and other Offi-					} 9s.
cers, and to Mr. <i>Towerfon</i>	-	-	-	-	

Piracy

Piracy Money - - - 1 s.

Licenses of the Archduke - - - 9 s.

And divers other Impositions, which in all (as was made manifest) amounted to Three Pounds Ten Shillings on a Cloth; after which Rate these Impositions come to Seventeen Shillings and Sixpence on a Tod of Wool; for Four Tod of Wool goeth to make a Cloth, and Four Times Seventeen Shillings and Sixpence maketh Three Pounds Ten Shillings, which is the Imposition laid on one Cloth.

MASTER of the Wards would have us observe, that, of this Three Pounds Ten Shillings Imposition on a Cloth, there is imposed beyond Sea Forty-five Shillings.

MR. *Abbott*. That a great Cause of the Decay of Trade is the Interposition of the *Hollanders*.

THE Merchant Adventurers Patent of 15 *Jac.* doth not only enable the Merchant Adventurers to trade, but doth prohibit all others; which Prohibition is larger than it was, or hath been in former Patents.

IN *Edw. 4.* Time there were in *Sandwich* (as was manifested to the Committee) Fifteen Hundred Mariners, and that then there was paid to the King, for Custom, above Sixteen Thousand Pounds.

IT is confessed by the Merchant Adventurers, that such a great Sum was paid to King *Edward 4.* for Custom, out of *Sandwich*; but it was when it was lawful to transport Wool, the Wool Staple being then at *Calais*.

IT is also affirmed by those of *Sandwich*, that in this King's Time there hath been paid to his Majesty, for Custom, out of *Sandwich*, Two Thousand Nine Hundred Pounds *per Annum*.

THOSE of the Cinque Ports offer to shew Proof, that one Merchant that is worth One Thousand Pounds payeth more Custom to the King, than any Merchant of *London*, that is worth Ten Thousand Pounds.

THOSE

THOSE of the Cinque Ports have Liberty to trade *sicut nostri liberi homines*; which *liberi homines nostri* is as much as *omnes qui tenent de Domino Rege in Dominico suo*.

It is thought fit by the Committee, that those of the Cinque Ports shall give to the Merchant Adventurers, a Note of the Names of all their Port Towns, and their Members, and of their ancient Advocants. And also that the Cinque Ports shall deliver, on *Thursday* next, to the Committee, and the Merchant Adventurers, a Breviat of all their Right and Demands.

SIR *John Walters*. That the Lord Chancellor may stay a Writ of Covenant on a Fine levied, without any Bill in Court, until his Lordship be satisfied that the Reasons alleged for the Stay thereof are not sufficient; and, if the Time limited for the issuing forth of a Writ of Covenant be expired, then the Woman, or other Party that first levied the Fine, may levy another, if he or she list.

It is alleged, that *William Hill* the Intestate died 13 *October* about two of the Clock in the Afternoon, and that that Day there were three Caveats entered, and that that Day also the Administration was granted by Dr. *Pope* (Sir *John Bennett's* Surrogate) to old Mrs. *Hill*; the Date of the said Administration is razed, but the Bonds for true Administration bear Date 13 *October*. That it was said by some Clerk of that Office, that the Caveats were entered after the Administration was granted.

It is a Course, in that Office, that, after an Administration is granted and issued, no Caveat ought to be entered.

THAT 14 *October* other Caveats were entered.

THAT 26 *October* other Letters of Administration were granted jointly to old Mrs. *Elizabeth Hill*, and *Richard Fust*:—That the Bonds for the true Administration were entered into by *Fust* and others.—That there appears no Revocation of the former Letters

Letters of Administration granted to the old Woman alone, whereto Answer is made, that the Granting of the second Administration is a Revocation of the former Administration.

November 4, *Goddard* desired to have the former Administration revoked, and that he might have an Administration, *cum Testamento nuncupativo annexo*.

OLD Mrs. *Hill* was the 27th of Febr. to answer to Articles exhibited by *Goddard*; and her Proctor then answering, that she was sick, a Commission was awarded to take her Answer; albeit *Goddard's* Proctor desired, there might be no Commission, for that she was not sick, but stupid, and as a Child. 9 February, an Inventory *ad instantiam Goddard* was to be brought in Court. That there are Three Kinds of Inventories taken of Men's Goods.

1. AN Inventory *ex Officio*.

2. By Commission.

3. *Ad instantiam partis*.

20 April 1613, *Goddard* desired to have an Administration, as above in 4 November, and hereon (being denied) he appealed to the Delegates; where his Cause having depended till 13 November 1613, it was then returned back again by the Delegates to Sir *John Bennett*.

THAT 14 December, after the Death of *Fust*, Letters of Administration were granted to *John Hill*, who was bound then in great Bonds, not to question the former Administrators for any Thing they had done.

THERE was given to *Goddard* in Bonds and Money Thirteen Hundred Pounds for to renounce his nuncupative Will.

Tuesday, April 16.

THAT the *East India* Company have not since they were a Company (which is about Twenty Years)

R



Years) exported out of this Kingdom in Money or Bullion, in all above Five Hundred and Forty Eight Thousand Pounds, and in other Commodities about Forty Thousand Pounds:—That the *East India* Company make Five for One Gain by their Return, and sometimes Five and an Half for One: And after this Rate for One Hundred Thousand Pounds (which, they confess, they have some Years transported out of this Kingdom, and other Years not above Thirty or Forty Thousand Pounds) they bring in Five Hundred Thousand Pounds. And albeit that this Proportion be not brought into this Kingdom in Money, yet it serveth this Kingdom with those Kind of Merchandise and Wares, in such Quantity, as sufficeth for the Use of this Kingdom; and besides, they transport of the Overplus of the Merchandise they bring from the *East Indies*, so much to *Leghorn*, *Constantinople*, and other Parts of *Italy* and *Turkey* as amounteth to, or exceeds the Sum of One Hundred Thousand Pounds, which they receive in those Parts of *Italy* and *Turkey* in Money, and would bring it hither in Coin, but that other of our *English* Merchants receive it there of them, by Way of Exchange, and send it into other Parts of *Italy*, and into *Spain*, and return hither for it Silks and Velvets, for which those Merchants must otherwise send Money out of this Kingdom.

THE principal Commodities that are brought out of the *East Indies* are Spices, Drugs, and raw Silk, but the greatest Part is raw Silk.

It is alleged, that the Cause of the Decay of the Trade in *Muscovy* is, that none of that Company may trade but in a joint Stock, and not every Man his own particular Stock.

It is also alleged, that the *Barbary* Company were wont to vent good Quantity of the Cloth of this Kingdom, for which they have heretofore brought into this Kingdom One Hundred Thousand

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land Pounds *per Annum*. That the Wars there is a Cause of the Decay of that Company, and that the Wars are caused in those Parts by small Guns, which some Interlopers of this Kingdom do furnish the Rebels in *Barbary* withal.—The *Barbary* Company desire to be restored, and that those Interlopers may be reformed.

THAT there are three Kinds of Interlopers.

1. THOSE that are of a Company, and do not traffick in a joint Stock, as the Rest of that Company do. There are of these Kind of Interlopers in the *Muscovy* Company.

2. THOSE who are Shopkeepers, and do trade beyond the Seas, not being of any Company.

3. Those who are neither of any Company nor Shopkeepers, and yet do trade beyond the Seas as Merchants.

MR. *Towerfon*. That no Companies do now trade in a joint Stock, but the *East India* and *Muscovy* Company.

HITHERTO was the Business of this Cef-  
sation.

*Collections of such Things as I observed in the<sup>(112)</sup>  
Parliament House, after the Cessation at  
Easter, 1621.*

*Tuesday, April 17.*

- L. 1. “AN Act for the better making of Serges and  
“ Perpetuanas.”

By this Act, the narrow Serges are to be Three Quarters broad, and Twenty-three Yards long, as it comes out of the Loom; and the Broad is to be One Yard and a Quarter broad, and Twenty-seven Yards long; and both are to be [ . . . ] Bears, and every Bear to be of a certain Number of Threads. This is to be accordingly observed, under the Penalty of Five Pounds; and the Mayor of every Town is to appoint Searchers, which are to be sworn, and they are to mark the Cloths.

- L. 1. “AN Act for the freer Liberty of Fishing, and  
“ Fishing Voyages to be made and found at the  
“ Seas and Coasts of *Newfoundland, Virginia, New  
“ England*, and at other foreign Parts and Coasts  
“ within the Parts of *America*.”

MR. Mallary saith, that one *Abraham Gray* hath a Patent for dressing of Arms, for which he hath Twelvence, albeit he doth but view the Arms:—That there are Twelve Thousand Arms in the County of *York*; which cometh to Six Hundred Pounds, that this Patentee received in that County:—That the Patentee also cutteth the Arms, for which he hath Five Shillings for every Arms he cutteth; whereas indeed he spoileth the Arms by cutting of them:—That he maketh Men carry their Arms Eight Miles to be viewed, to their great Charge and Hindrance:—That he maketh Men pay Twelvence for dressing of a Musket, and that, besides the Twelvence for dressing of a Musket,  
and

and for viewing of Arms, if he do but mend a Buckle, he will be paid for it.

It is said, that one *Lisle*, a Bookbinder, is the Grand Patentee for dressing of Arms, and hath a Patent of it for Twenty-one Years, and no other Armourer, than such as he shall appoint, is to be used:—That this Patent was granted at the Suit of one *Skelton*, one of his Majesty's Servants, but Six other are named in it for Patentees.

SIR *Edward Cooke* saith, that there are divers other Grievances besides Patents, and those are new Offices, which lie heavy on the Subject:—That it will be as great an Honour to this House to restore Things to their former Course, as to create new Laws.

*Edward 1.* (who was our *Justinian*, for he made the best Laws that we have) never granted any new Patent, but he first sent out into all Counties a Writ of *Ad quod Damnum*, to know what Damage might come by the same to any Man or County: But it is the Complaint of \**Harbert*, in his Book *de Natura Brevium*, that now all Patents are granted with a *Non obstante*:—In 27 *Edw. 1.* the Law of Writs *Ad quod Damnum* was first made, and 28 *Edw. 1.* it was enacted, that all Patents, that have not in them an *Ad quod Damnum*, shall be void:—That he hath drawn a Bill to this Purpose, and will present it shortly to the Consideration of this House.

MR. Solicitor maketh a Report of some Business done during the Cessation; and, amongst other Things, saith, that, according to the Direction and Order of this House made before *Easter*, there was Consideration taken in the Cessation, touching a Bill against Transportation of Iron Ordnance; but the Committee drew not the Bill, because there is one already in the upper House, that hath received there twice reading.

\* S.c.



MR. Hackwell. That he knoweth we have been twice hindered by Bills that have been preparing in the upper House; when as we, hearing that there was a Bill there, did desist, in Expectation of one from the Lords; who, having rejected or not thought fit to proceed with their Bill, the good Work hath by that Means fallen to the Ground.

It is ordered by this House, that a Bill against Transportation of Ordnance shall be drawn and preferred by this House, notwithstanding the Bill that is in the upper House.

MR. Solicitor reporteth further, that, in the Cessation, there were appointed Committees for the drawing of divers Bills for the reforming of the Courts of Justice, viz. 1. A Bill for regulating of all Courts of Justice, that one meddleth not with what appertaineth to another.—2. A Bill against new Offices and Fees.—3. A Bill concerning the setting down of Days of Hearing; that no Motion shall be made in the Vacation to cross the Course or Proceedings in Courts.—4. A Bill that a Master of the Chancery shall consider and report only of Matter of Fact, and not meddle with Matter of Right.—5. A Bill for moderating of Fees for Orders, and the Length of Orders; and this Fee is to be expressed in the Act, not to be above Three Shillings, or some such like Sum, as the House shall think fit.—6. A Bill that no *Subpœna* shall be taken out till a Bill be filed.—7. A Bill concerning Fees in the Ecclesiastical Courts, and that there shall be a certain Fee set down for the Probate of a Will.—8. A Bill, that in Administrations the Administrator shall make true Inventories of all the Goods and Estate of the Deceased, and of all particular Expenses; all which is to be delivered in, that it may appear of Record, what is the Surplusage; and that in this Bill it may be expressed, the Certainty of what, and how much hath been given in pious Uses, and where, and how it hath been expended.—And 9. That concerning

Courts

Courts of Law and Equity, there is to be a Bill that Prisoners may not have Liberty on a *Habeas Corpus* to go abroad for any long Time, when as they are committed for Debt, Contempt, or the like.

SIR *Edward Cooke* saith, that in the Lord *Dyer's* Books it is mentioned, that there was a Recognizance taken in the Chancery, which was afterwards reversed by a Writ of Error in the King's Bench :— That Writs that are in the King's Bench are *Coram Domino Rege tantum*, and in the Chancery they are *Coram Domino Rege, in Cancellaria nostra* ; which sheweth, that the King's Bench is above the Chancery, for every Herald can tell, that where there is a small Addition, as of a Crescent, a Martin, or the like, in a Coat, it sheweth that it is of a younger House.

It is ordered, there shall be a Bill drawn, that no Man, who is in Prison on an Execution, shall go abroad for any long Time on a *Habeas Corpus*.

It is likewise ordered, that the Grand Committee, which did sit during the Cessation, shall continue ; and that that Committee shall confirm and enlarge the Sub-committees which it made.

MASTER of the Wards reporteth, what had been done in the Cessation, concerning Trade. That there hath been debated, at that Committee, Five principal Heads of the Cause of the Decay of Trade.

First, The Falsification of the new Manufactures, viz. of the Perpetuanas, Serges, &c. That it was shewed to the Committee, that at first the Perpetuanas were worth Four Pounds apiece, that the Imposition on it was then Two Shillings and Sixpence, which Charge continueth still without Increase, and yet are those Stuffs much fallen. The Remedy for this Particular, is provided for by the Bill that hath been read.—Second Cause is, the Tobacco Sellers, who sell Tobacco in Shops here in this Kingdom, and, for to furnish themselves with Tobacco, do send over the Merchandise of this Kingdom beyond Sea ;

*Five Heads  
of the Cause  
of the Decay  
of Trade.*

Sea; where they sell it at under Value, and at very low Rates, and make their Return in Tobacco, by which they gain exceedingly here, albeit they lose Twenty of the Hundred by our Merchandise, which they carry beyond Sea. The Remedy of this is, that no Shopkeeper, Retailer, &c. shall trade in Merchandise beyond Sea. [*Vide plus de hoc in my Collections during the Cessations.*] Thirdly, The Importation of Tobacco doth hinder the bringing into this Kingdom of One Hundred Thousand Pounds at the least, which would otherwise be brought in Bullion into this Kingdom; for our Merchants do, for to have of the best and first Tobacco, lose in the Sale of our Cloth and other Merchandises \* Six Thousand Pounds. And there is, by the Estimation of many skilful and understanding Merchants, Sixty Thousand more exported in Coin, out of this Kingdom, for Tobacco: All which amounteth to One Hundred and Twenty Thousand Pounds. The Remedy for this (as the Committee did conceive) was to banish all *Spanish* Tobacco, and no Tobacco to be suffered to be brought into this Kingdom, but from *Virginia*. Fourthly, That Sugar, Currants, Sweet Wine, &c. is imported in too great a Quantity hither. The Remedy of this is, that, by an Act, it should be made lawful to transport into other Parts beyond Seas, the Surplusage of these Commodities, without paying Custom. And Fifthly, that the Excess of Impositions on all other Commodities, as well those which we export from hence, as those which are imported hither from Foreign Parts, is one of the most considerable Causes of the Decay of the Trade of this Kingdom.

THAT it hath been said, that, by a Calculation of the Merchants of *Spain*, there is a Thousand Weight of Tobacco spent every Day, one with another, in *England*.

\* So in the Original: it should be *Sixty*.

THAT

THAT there is Three Pounds Eight Shillings taken in the Archduke's Country on every Fine Cloth, and Three Pounds Four Shillings in the *Low Countries*.

THAT the Committee thought fit no Tobacco should be sold for above Eight Shillings the Pound.

SIR *Edward Cooke* saith, that never till within these Forty Years was there any Restraint made, other than by Act of Parliament, that a Subject, being a Freeholder, should not plant what he list in his own Ground: but for a small Time the Lords of the Council may restrain it, when the planting of any thing bringeth a general Inconvenience to the Kingdom:—That there was a Restraint in *Queen Elizabeth's* Time, that no Man should plant Oad in *England*, which Restraint was done by Proclamation; but it was not long before she recalled the same Restraint, saying, that it ought not to be restrained nor planted.

“ AN Act for the Restitution of the true and necessary Use of Writs of *Ad quod Damnum*, or Commissions in the Nature of the same.”

By this Bill, no Patent or Commission shall go forth, till there have been Writs of *Ad quod Damnum* gone forth into all Shires, to know whether it be to the Loss of the King, or to the Hurt of the Subject; that he that doth execute any Patent or Commission before he hath sent forth such a Writ of *Ad quod Damnum*, shall forfeit Five Hundred Pounds, to be levied of his Estate that procureth such a Patent: And the Moiety of the same Forfeiture to go to the Use of him that sueth, and the other Moiety to be to the Use of the Poor; and such Person shall also forfeit his Patent, which is likewise to be void, unless such Writs be gone forth and certified, before the Patent or Commission be put in Execution.

*Wednesday,*



Wednesday, April 18.

L. 1. " AN ACT for the Sale of certain Lands and Leases  
 " purchased by *Thomas Frith*, late of *London*, Scri-  
 " vener, deceased, for the Payment of his Debts,  
 " and Satisfaction of the Creditors." [Committed.]

L. 1. " AN ACT for the naturalizing of *James de Best*,  
 " born in the City of *Brussels*, in the County of  
 " *Flanders*."

L. 1. " AN ACT for the Abatement of Usury."

By this, there shall not be taken above Eight *per Centum*; the Reason alleged is, that all Merchandises and Commodities are abated, so that those that pay Ten *per Cent.* cannot pay their Debts:—That all Bonds taken for Security of above Eight *per Cent.* shall be void; and that the one half of the Money forfeited shall go to the King, the other Moiety to him that sueth for it.

L. 2. " AN ACT for the uniting of Saint *Peter's* Parish,  
 " in *Dover*, to Saint *Mary's* there, and for the making  
 " of Saint *Mary's* and Saint *Peter's* one Parish."

By this there is to be (for the Maintenance of the Minister there) paid Sixpence of every Noble that is paid for Rent, where there is above Forty Shillings paid; and but Fourpence of every Noble which is paid for Rent, where the Rent amounteth to Forty Shillings *per Annum*, or under. [Committed.]

SIR *Edw. Cooke* maketh a Report, that there is a Patent of sole selling of Salmons and Lobsters, granted to Mr. *Paul Bassano*, and another, whose Interest is in one Sir *John Lawrence*, who executeth the same.

THE Referrees were, Sir *Henry Telverton*, Lord  
 [ . . . . . ]

THAT Sir *Richard Wigmore* likewise had a Patent granted to him for the sole selling of Codfishes.

THAT Dr. *Eggleston*, a Physician, hath a Patent for the sole making of Gold Folio.

By

(115) By Means of this Patent, there is Four Thousand Pounds *per Annum* consumed in Bullion and Coin, and none brought into the Kingdom.

THAT Sir *John Spilman* hath a Patent for the sole bringing in of Cards.

THAT Sir *Henry Brittan* hath a Patent for the sole making of hard Wax, which he pretendeth to be a new Invention.

ONE *Warner*, one of the King's Bargemen, hath the sole buying of Lamprides.

MR. *Nicholas Laneere* hath a Patent for the sole cleansing and preserving the *Thames*, for which he hath an Allowance: And by Virtue of this Patent he only goeth to the Bank Side, and there taketh Money of all such as lay Soil or Rubbish on the same.

THAT Sir *Allen Apsley* and Sir *John Keyes* have a Patent for Casks, that no Wine Casks may be used to put Beer into.

THAT Sir *George Marshall* is Plaintiff in the Chancery, against Sir *William Pope*, for One Thousand Marks, which the Defendant promised to pay to the Plaintiff for his Dignity of being, by his Means, made Knight of the *Bath*:—That the Defendant was in Hope once to have been dismissed, but a contrary Wind kept the Cause in Court; and now there is a Decree there made against the Defendant, who is by it adjudged to pay to the Plaintiff One Thousand Marks.

MR. Secretary. That it is his Majesty's Pleasure, Message from the King. that this House, accompanied with our Speaker, should attend his Majesty on *Friday* next, at Two of the Clock in the Afternoon, at *Whitehall*, when also the Lords are, by his Majesty's Command, likewise to meet.

SIR *George Moore* reporteth, from the Committee Report of the Election of Burgeses of Hindon in Wilts. for Privileges and Returns, that the Sheriff of *Wilts* (having received the Summons for Election of Burgeses in *Hindon*, to serve in Parliament) did direct

direct his Precept to the Burgesſes of *Hindon*; whereon Sir *John Davies*, the King's Serjeant at Law, was only choſen. Then the Sheriff directed a ſecond Precept to the Bailiff of that Town, when the ſaid Sir *John Davies*, and one Mr. *Anketell* were choſen; and that Day alſo Sir *Edmund Ludlowe* was choſen, but it was done in a Chamber, where he got ſome Hands; but it was a Queſtion, whether thoſe that choſe Sir *Edmund Ludlowe* were Freemen of that Town or no; and it was alleged, that ſome of thoſe who certified for Sir *Edmund Ludlowe* were Women and Boys, who ought not to deal in the Election of Burgeſſes.

It is ordered by Queſtion, that Mr. *Anketell's* Election is good; and that the Speaker ſhall write to the Lord Chancellor, that a new Writ go forth for the Election of another Burgeſſ in the place of the aforeſaid Sir *John Davies*, who, being choſen Burgeſſ in another Town, accepted of it, and reſuſed to ſerve for *Hindon*; and that the Election of Sir *Edmund Ludlowe* is void.

Lights at  
Winterton  
Neſs,

SIR *Thomas Rowe* reporteth what hath been done at the Committee concerning the Light of *Winterton Neſs*. That it is alleged by thoſe of the *Trinity Houſe*, that the Patentees for keeping of this Light have ſo much *per Annum* (of thoſe who bring Coals from *Newcaſtle*) as amounteth to Fifteen Hundred Pounds *per Annum*:—That the Charge of keeping the Houſe is but One Hundred and Thirty Pounds *per Annum*, and the Charge of building it was not above Six Hundred Pounds:—That the Patentees answered, that it coſt them near Six Thouſand Pounds in erecting the Houſe, and in procuring their Patent, and that the Charge of keeping of it comes to Three Hundred Pounds *per Annum*.

CONCERNING that Light of *Duncheon Neſs*, it is alleged by the Patentees, that the *Trinity Houſe* conſented to the erecting of this Light, and that Sir *Edward Howard* ſhould be the Patentee; that the

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*Trinity House* refused to erect the same and maintain it, for one Penny of a Tun coming homeward, and that one of their own Company did assist the Patentee in the drawing of the Patent:—That the *Trinity House* say, that it is true, that they consented to the erecting of this Light, with this, that there should be but one Penny taken of the Tun, and that only to be taken of Ships homeward bound, and that the Patentee should make a House of Stone, and the Light that should be there kept should be a Fire:—They say, that the Patentee now taketh, by Virtue of his Patent, Twopence of a Tun, viz. One Penny of a Tun of a Ship that goeth outward, and another Penny of a Tun for coming homeward:—That there is no House of Stone, and the Light is not kept of a Fire; but there is only three Mafts and Candle Light kept there, and this oftentimes goeth out, to the Hazard of many Men's Lives and Fortunes.

It is by Question declared and adjudged, that both these Patents, both that of *Winterton Nevs*, and also that of *Dungeon Nevs* are Grievances both in the Creation and Execution.—And a Bill is by Order of the House to be drawn for Reformation of the Abuses of both these Patents.

SIR *Edward Cooke* saith, that no Impositions, according to the Laws of this Realm, can be laid on the Subject, but by their Consent, or by Act of Parliament:—That, if foreign Tobacco be banished, it should be banished by Act of Parliament. But, if no foreign Tobacco may be brought into the Kingdom, but from *Virginia* and the *Summer Islands*, then he would not have it prohibited to plant of it here in *England*. [*Concerning Tobacco, vid. plus fol. 125 and 126.*]

SIR *Dudley Digs*. That since it is found, that the Importation of Tobacco out of *Spain* is One Hundred Thousand Pounds *per Annum* out of this Kingdom's Way, he hopeth, the Privy Council will



will consider of it, for, he thinketh, that no Treaty can behove this Kingdom more than one Hundred Thousand Pounds *per Annum*.

SIR *Edwin Sandys* saith, that it hath been heretofore a Law in *Spain*, that all Merchants that brought Merchandises into those Parts should be paid in three Kind of Payments; the one Part of their Payment should be in Gold, another third Part in Silver, and another third in Brasse: and now our Merchants are all of them for the most Part paid in Brasse:—That the King of *Spain* cannot so conveniently banish our Commodities as we may his; for all the Commodities we have from thence are but Toys, as Tobacco, Wines, Silks, and the like; Things more of Dainty and Pleasure, than for Necessity: but the Commodities they have from us are essential, and such as they cannot well be without, as Woollen Cloth, Tin, Lead, and the like.

SIR *William Stroude* would have Tobacco banished wholly out of the Kingdom, and that it might not be brought in from any Part, nor used here amongst us; for, if it may be allowed to be imported out of *Virginia*, and the *Summer Islands*, they that are there will then plant nothing else: but, if we will needs allow it to be imported out of those Countries, he would have it be but for some small certain Time till the People (who are there) are increased, and settled in that Country; and then, that there should be no more brought into this Kingdom.

SIR *Robert Phillips* saith, that, since the Treaty, the *Spaniard* hath prohibited any one to bring hither any Cards, Silk, Quicksilver, Pepper, and the like, which are Merchandises our Merchants do trade much in; and therefore he thinketh it somewhat strange, if a Thing so discommodious to this State may not be banished by us, as well as those Commodities are by the *Spaniard*.

MASTER

MASTER of the Wards saith, that the *Spaniard* hath not, since the Treaty, barred the Importation of Cards, and those other Commodities before named by Sir *Robert Phillips*: But, to clear all Questions and Doubts, he would have Tobacco banished altogether out of this Kingdom, as a Thing pernicious to the State and Health of the People of this Realm.

MR. *Farrar*, Deputy for the Company of *Virginia*. That, if we banish all Tobacco, then the Four Thousand Men who are now in *Virginia* will perish, they having there as yet no other Commodity than Tobacco; but there is good Hope, that, hereafter, they shall be able to have other Commodities.

SIR *Guy Palmes*. That, if Tobacco be not banished, it will overthrow One Hundred Thousand Men here in *England*; for now it is so common, as that he hath seen Ploughmen take it as they are at Plough.

MR. *Ravenscroft*. That, if it shall be concluded, that Tobacco shall be banished, it must be done by a Bill; and, therefore, he desireth, it may be put to the Question, whether there shall be a Bill drawn to that Purpose, or no.

It is agreed, (not ordered) that all foreign Tobacco shall be barred; but that of *Virginia*, or of any of the King's Dominions is not held foreign.

COMMITTEE.

Wednesday, April 18.

SIR *Edward Cooke*. That Sir *Robert Hitcham* (who is the King's Serjeant at Law) hath the same Manner of Writ of Attendance in the Parliament as any Baron of the Realm hath, only he is not named in the Writ to be a Baron as a Lord is; yet it is mentioned in the Writ (though he be there but an Attendant, and hath no Voice, no more hath any Judge that sitteth there, or any other under the Degree

Degree of a Bishop, or a Baron) that it is *ad tractandum de arduis rebus*, &c.—That, if Sir Robert Hitcham will not voluntarily, of himself, come hither to testify his Knowledge, that then we may do well to send to the Lords, signifying, that we are informed, that his Testimony is material for the finding forth the Truth of a Business now depending before us; and, therefore, we desire their Lordships, that they will be pleased, that he may come to testify what he knoweth therein.

Mr. Newman, being a Witness examined, saith, that Sir John Brand, being desirous to have an Administration of his Uncle's Estate, did desire this Examinant, about eight or nine Years since, to procure him the Administration; and thereupon this Examinant did go with the said Sir John Brand, who did then contract with Sir John Bennett, to give him Fifty Pounds for to have him grant the said Administration to him the said Sir John Brand; that, after this Contract, the said Administration was accordingly granted by Sir John Bennett to the said Sir John Brand, who thereupon paid, according to the Contract, Fifty Pounds to Sir John Bennett, by the Hands of Sir Robert Hitcham.

Sir Edward Cooke saith, that a Contract made by a Judge beforehand, is as direct a Bribe, as if he had received it beforehand.

Mr. Manly, a Witness examined, saith, that Mr. Holman delivered Mr. Helvert, a Proctor, Twenty Pieces to give unto Sir John Bennett, to have the Will of his Father proved, for that Mr. Hull, Son in Law to Mr. Holman, deceased, had by one Sandford, a Proctor; (and Servant to Sir John Bennett) entered a Caveat, whereon Kelvert rid to Sir John Bennett, and proved his Letter, and presently after, on Sir John Bennett's Letter, the Will was proved by the said Mr. Holman: he saith, that Sir John Bennett demanded Twenty Pieces more, which Kelvert

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vert promised to give him, that the said Will might be forthwith proved.

MR. *Holman* examined saith, that, there being a Caveat entered by his Brother in Law, Mr. *Hall's* Proctor, he sent by Mr. *Kelvert*, his own Proctor, Twenty Pieces to Sir *John Bennett*, to give him Leave to prove his Father's Will; and that, when Sir *John Bennett* had received the said Money, he wrote his Letter to *Sandford*; and so this Examinant was presently permitted to prove the said Will:— That afterwards Sir *John Bennett* sent to this Examinant for Twenty Pounds more, which he said Mr. *Kelvert* had promised him, but this Examinant gave him no more.

A LETTER from Sir *Robert Hitcham*, testifying, that he delivered Fifty Pounds to Sir *John Bennett* from Sir *John Brand*, for that Sir *John Bennett* had granted the Administration of his Grandfather's Estate (as he remembereth) to the said Sir *John Brand*.

*Edmund Cage* examined saith, that one *Dan. Danbrooke* made one *Sarah Danbrooke* his Executor, and that he, this Examinant, carried a Letter from Mr. *Kelvert*, a Proctor, to Sir *John Bennett*, then in the County of *Wilts*; and that, when he delivered the Letter, he gave Sir *John Bennett* Five Pounds from the said *Sarah*, and thereon he had a Letter, that she should be admitted to prove the Will.

MASTER of the Wards saith, that there is no Man that dieth intestate, but there is, on the granting of the Letters of Administration, a Proportion reserved by the Ordinary, to be bestowed in *pious usus*; that he would have it examined how, and what hath been bestowed by Sir *John Bennett*; and that, to this Purpose, a Bill may be drawn to remedy the Abuses in that Kind for the future.

SIR *Edward Cooke*. That in all Time there have been Laws provided against corrupt Judges. See the *Mirror of Justice*, which speaks of Judgments given before the Conquest, against corrupt Judges,

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when Corruption in Judges was Felony : And since in 18 *Edw. 1.* Judge *Waylom* for Corruption had three Offers made him : First, whether he would for it put himself on the Law : Secondly, whether he would be imprisoned during his Life : And, Thirdly, whether he would suffer Banishment rather than the two former : That he, considering what Place he had held here, made Choice of the last :—That in 28 *Edw. 1.* Sir *William Thorpe*, Chief Justice of *England*, went a Circuit, where there were divers young Gentlemen that were accused for Robbery ; whose Friends gave this Chief Justice, some of them Twenty Pounds, others more, and others less, to the Value of Eighty Pounds in the whole ; for which he was called in Question, *eo quod contra Sacramentum Domini Regis*, &c. for that he had done against, and broken the Oath of the King, which is to do Justice to all Men ; and by a Commission of *Oyer and Terminer* he was tried and condemned to be hanged. Let a Man trust to Innocency and not to Secrecy ; for those who are most seeming holy, are not always the most sincere ; and it is good to have a Bell ring in a Parliament House, for the reforming of Courts of Justice and Judges, that all Men may be warned by this Example of Sir *John Bennett's*.

Thursday, April 19.

- L. 1. “ AN Act for the reversing of Decrees in Courts  
“ of Equity on just Cause.”

By this, a Bill of Review may be brought within a Year after the Decree made ; and the Lord Chief Justices of the King's Bench and Common Pleas, and also the Chief Baron are to be Assistants in the Chancery, at the rehearing of the said Cause.

- L. 1. “ AN Act for the avoiding of Vexation by Co-  
“ lour of Procefs taken out of Courts of Equity.”

By

By this a Bill is to be in Court before a *Subpœna* shall go forth.

“ AN ACT for the Payment of Costs on Prohibition for Tithes.” L. 16

By this, where such Prohibition is brought, the Plaintiff shall pay Costs. *Vide plus, fol. 182.*

(118) “ AN ACT for the better Execution of Judgment given in the King’s Bench.” L. 1.

By this, that, after Judgment given, Process of Outlawry may lie, as if [ . . . . . ]

“ AN ACT for the avoiding of the unjust Exaction of undue Fees in Courts of Justice.” L. 1.

By this all Letters Patent of any new Office, or new Fee shall be void, if the Office or Fee be made or raised since 1 Jac. and shall be restored to those Offices to whom they did formerly belong.

THAT no Man or Judge shall receive any Fee more or greater than was paid before 40 Eliz.— That a Table of all Fees are to be set up in every Office, subscribed by the principal Judge of that Court: the Penalty, if any Officer take more than such ancient Fees, is Ten Pounds for a Fine, and Forfeiture of ten Times the Value of what he hath so exacted or received; and for the second Offence to pay the like Penalty, and to be disabled ever to be of any Office: Provided, that this shall not extend to the Office of *Supersedeas* in the Common Pleas, which was erected by the Consent of the Judges there, and the \* Primotories of that Court. *Vid. plus, fol. 158.*

“ AN ACT for moderating the Fees for drawing and entring of Orders in the Chancery, or any other Court of Equity.” L. 1.

By this the Registrar shall have but Three Shillings for drawing and entring any Order, be it never so long or short, and those who take more than

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Three Shillings, shall be sued in the Star Chamber, and for ever disabled to serve in any Office.

- L. 1. "AN Act for the better venting the Cloth of this Kingdom."

By this all Apprentices and Servants (except the King's, Prince's, or ordinary Servants of honourable Lords) shall wear no other Cloaths than such as are made of the Cloth or Stuff of this Kingdom; and no Gentleman under the Degree of a Baron shall wear other Stuff than such as is made here in this Kingdom: That it shall be lawful for the Constable, Overseers of the Poor, or other Officer of the County where it shall be worn, to seize the said Apparel, and carry the Party so wearing the same to Prison, till he hath paid the Value of the Cloaths. This concerns all Gentlemen (except before excepted) from 1 October till 1 April, and none but Servants during the whole Year.

- L. 1. "AN Act to prohibit the transporting of Wool, Woolfel, or Yarn made of the Wool of this Kingdom, or Fuller's Earth out of any of his Majesty's Dominions."

By this it is to be Felony to transport out of this Kingdom, or out of *Ireland* or *Wales*, any of these Commodities before named; and all such Masters of Ships, or Mariners, as wittingly transport the same, are to be tried as Accessaries. [*Vid. plus, fol. 145 and 192.*]

- L. 1. "AN Act for the avoiding of insufficient Jurors."

By this, the Sheriff of every County shall deliver to the Justices of Peace of that County, a Book of the Names of all the Freeholders of the County; and the said Justices shall select out of them all the best and most sufficient Jurors, every one of which shall have Ten Pounds *per Annum* of Freehold at the least, or shall in Goods to the Value of Two Hundred Pounds; and the said Justices shall give a Book

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Book of all the Names of the most sufficient Jurors to the next Sheriff, which Book shall be subscribed by six of the said Justices, whereof three to be of the Quorum. That the Sheriff shall not allow of any Writ *de non ponendis in Assisis*, but where he knoweth, or is credibly certified of the Truth of the Excuse expressed in the Writ. The Shires of *Wales* are excepted out of this Bill. There is a Penalty of Ten Pounds inflicted on the Sheriff, if he admit of the Writ *de non ponendis in Assisis*, without examining and being certified according to the Excuse made in the Writ.

MR. *Weston* saith, that the Laws of this Kingdom are much scandalized, by Reason of the insufficient Jurors, which are, for the most Part, now a Days returned; and that is it which hath made the Court of Chancery swell so much with Business, and which hath increased that Court to so large an Extent.

A MESSAGE from the Lords, signifying, that they (finding many Difficulties in the Bill against Informers) desire a Conference this Afternoon in the Painted Chamber, and have, for this Purpose, appointed Twenty-four of the Members of that House for to be of the Committee; and do desire, that those whom we shall send may have Commission (as theirs shall) not only to hear, but to debate and answer.

MR. *Alford* saith, that it behoveth us to have a great Deal of Care, and to be very wary of our Proceedings herein; for we are at this Conference to justify a Bill which we have sent up to the Lords, as having past us for a good Bill.

WE returned Answer, that we will meet at the Time and Place appointed, with double the Number, and that our Committee shall have the Authority as is desired; and accordingly a Committee is appointed for this Purpose.

SIR *Edwin Sandys* would have a Committee presently appointed to consider of that Bill against Informers,



formers, and to report of it to the House; which was accordingly ordered.

SIR Samuel Sandes. That this Bill concerning the avoiding of insufficient Jurors, is a dangerous Bill; for it will be an infinite Inconvenience to have a Justice of Peace look so narrowly into every Freeholder's Estate, which will cause the Freeholders to be raised in the Subsidy, besides other Inconveniences: and there are Reasons to shew the Danger of this Bill which he will conceal.

SIR Edward Cooke. That there are *nobiles superiores*, and such are of the upper House; and *nobiles inferiores*, and such are Gentlemen, such as those of the lower House and others are; and by the Laws the Trial of each of these is to be by his Peers, *paribus suis*. He saith, that the Jurors should be the most sufficient Men, the most near to the Place, and the least suspicious. That no Man will willingly set down the Value of a Manor, which he conveyeth in Marriage with his Son, but only the Manor with his Appurtenances, never naming the Value of it; because that may discover Men's Estates, and cause them to be raised in the Subsidy Book.

SIR George Moore. That the Committee, that is to attend the Lords concerning the Bill against Informers, is to justify the Bill, and to debate, but not to conclude any Thing, but first to report the same to the House.

A SUBCOMMITTEE is appointed to breviate the Notes and Papers delivered by the several Companies of Merchants, and by the Interlopers concerning Trade.

It is ordered, that no Petition shall be received, but openly, and that it shall be read openly at the Committee, before he that delivered it doth go away; and that he that delivered the Petition shall set his Hand to it.

It is ordered, that all the Lawyers of the House shall consider and debate of the Bill concerning Limitations

mitations of Actions, which hath lain engrossed a long Time.

"AN ACT for the naturalizing of *Philip Burle-mache*, Merchant, born at *Sedan* of Italian Parents.

It is ordered, that those Petitions which are considered of by the Committee for receiving of Petitions, and by them thought fit to be rejected, shall be redelivered to the Petitioners again, that they give no further Attendance nor Trouble to the Committee, or to the House.

It is ordered, that no Man shall be so tied to the Chair in any Committee, but that the same Committee shall or may place any other whom and when they think fit into the Chair.

COMMITTEE.

*Thursday, April 19.*

MR. *Kelvert* examined, saith, that one *Coal* dying intestate, Captain *Hayes*, by Confederacy with Sir *John Bennett*, got to be Executor of a nuncupative Will, for which Sir *John Bennett* had certain Bonds of Money to a good Value, which was owing to the said *Coal*.

MR. *Willet*, a Proctor, examined, saith, that he was retained by one Mrs. *Lee*, on the Death of her Husband (who was the Gentleman Porter of the Tower) for to procure her the Administration of her Husband's Estate:—That he, this Examinant, hereon did procure Sir *John Hayward* (Sir *John Bennett*'s Deputy) in the Absence of the said Sir *John Bennett*, to give the said Mrs. *Lee* the Oath to administer truly, whereon she became Administratrix; but one Sir *Robert Lee*, being a Kinsman to Sir *John Bennett*, did labour to cross the said Administration; whereon this Examinant, from Mrs. *Lee*, offered Sir *John Bennett* Forty Pounds, who would not accept of the same till he had finished all for  
Mrs.

Mrs. Lee, and, when all was done, this Examinant delivered to Sir *John Bennett* Thirty-five Pounds, retaining the other Five Pounds, Residue of the said Forty Pounds, for himself, because he had taken Pains for the said Sir *John Bennett* oftentimes, for which he never had any Recompense, and had also been the Cause that his Clients had been beneficial to him the said Sir *John Bennett*, who yet notwithstanding questioned and debated with this Examinant, why he had detained the said Five Pounds; but this Examinant at length so satisfied Sir *John Bennett* with Reason why he detained the same, as he accepted and was contented with the said Thirty-five Pounds. He saith further, that, one *George Polland* dying intestate, one Mr. *Cunnisby*, for to have the Administration, gave Twenty-five Pounds: he saw Mr. *Cunnisby* have the said Money in his Hand, when he went to Sir *John Bennett*, and *Cunnisby*, when he came from him, told this Examinant, he had given the same to Sir *John Bennett*:—That one *Residen* and one *Francis Isaac* of Mr. *Evelin's* Office in the Chancery can testify, that in this Business there was Twenty Pounds more given to Sir *John Bennett*, concerning the Inventory and the Account:—That also one *Meggs* delivered to *Sandford* a Proctor, and Servant to Sir *John Bennett*, Forty Pounds to give unto his Master, that an Administration might not be revoked till a certain Time, by some who had found out a Will.

Mr. *Pope*, a Member of this House, saith, that his Mother in Law dying intestate, but having declared by Word, and making a nuncupative Will, that all her Land should go to the eldest Brother, and all her Goods should be divided amongst the younger Children for Portions, the Sisters all of them put in Caveats, that the eldest Brother might not have the Administration; whereon some Suits of Law being likely to grow between the Brother and Sisters, the eldest Brother promised to give Sir *John Bennett*

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*Bennett* Sixty Pounds, that he might have Letters of Administration: but, a little after, the Brother and Sisters, by the Advice of Friends, agreed amongst themselves without any Suit, by which Agreement the Sisters were to, and did desire that their said Brother might have the Administration; but, though they came all of them with their Brother to Sir *John Bennett*, and did desire him, that the eldest Brother might have the Administration, yet, there having been before by the said Brother Offer made to the said Sir *John Bennett* of Sixty Pounds, he would not grant the Administration to him (for that the two younger Brothers had put in Caveats) till the elder Brother had delivered the said Sixty Pounds to Sir *John Bennett*; which said Sum was paid accordingly to Sir *John Bennett's* own Hands.

*Friday, April 20.*

“AN Act touching Benefices appropriated.” *L. 1.*

By this the Ordinary with two Justices of Assize shall allot such a competent Portion for the serving of the Cure, as they shall think fit; and, if the said Ordinary and two Justices of the Assize do not within two Years after this Sessions allot the same, then the Ordinary and any four Justices of Peace shall allot the same.

“AN Act for the more easy and speedy correction and sending of any Vagabonds or Rogues to the House of Correction; and for the punishing of Constables that shall neglect to do the same.” By this the Constable shall pay Forty Shillings for neglecting to send Rogues to the House of Correction.

“AN Act for avoiding the Multitude of vexatious Delays in removing of Suits into superiour Courts.” *L. 2.*

By this, if Issue be joined, no Writ shall go to remove the same Suit: that no Suit but such as is above Five Pounds Value shall be removed.

SIR



SIR *Thomas Posthumus Hobby* saith, that it would be good that no Suit between ancient Inhabitants should be removed; but, if it be between a Stranger and an Inhabitant, that then it would do well that it might be removed.

- L. 2. "AN Act to restore the customary Tenants of  
 " *Oldbury*, in Com. *Gloucester*, to their ancient Customs, which have been taken from them by a  
 " Decree unduly procured out of the Chancery by  
 " *Edward Stafford*, Esquire, Son and Heir of the  
 " *Lord Stafford*."

SIR *Edward Sackville's* Report of Sir *John Bennett's* Cause. That Sir *John Bennett* is charged for suppressing a written Will of one *Nest*, and for approving of a nuncupative Will; for which it is alleged, that he had Money and Five Hundred Pounds worth of Wares:—For stopping the proving of written Wills upon Pretence of Caveats; as in *Holman's* Case, wherein Twenty Pounds was delivered him by *Kelvert*, as before; and also he had delivered him Fifty Pounds by Sir *Robert Hitcham*, for Sir *John Brand*, as before:—For allotting of Portions in *Mansell* and *Drover's* Case there was Twenty Pounds given to Sir *John Bennett*, by some who were to have Portions, that they might have Three Hundred Pounds Portions amongst them; and likewise there was given to Sir *John Bennett* One Hundred Pounds by the Widow, that they who claimed the said Portions might have no more than Three Hundred Pounds to be allowed them for Portions. That *Kelvert* said, he could prove that Sir *John Bennett* had been corrupted in all Places of Justice wherein he had served, viz. as being a Judge of the Delegates; as being a Judge of the Prerogative; as being a Master of the Chancery; as being a Judge of the High Commission; and as being Chancellor to the late Queen *Anne*:—That *Kelvert* said, that the Fees of the Ecclesiastical Courts

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are so increased, as that, which was wont to be done for Five Shillings, will now cost Five Pounds in Fees.

Mr. *Mallary* saith, that Sir *John Bennett* is now a Member of this House, and therefore he would not have the Business against him sent to the Lords, till (if we see Cause) we have put him out of this House.

Sir *Samuel Sandes* saith, that we cannot send Sir *John Bennett* to the Lords with so tender a Hand, but that it would be a Kind of Condemnation to him; wherefore he would that we should deal more favourably with him (being a Member of this House) than to send him to the Lords before we hear his Answer.

Mr. *Mallet* would have further Time given to Sir *John Bennett*, and a Day peremptory assigned him to answer either by himself or his Council, and then to shew Reason why we should not present his Cause to the Lords; and that thereon we may proceed as we shall see Cause.

Mr. *Pymme*, concerning the Interest this House hath in this Judgment, saith, that the two Houses of Parliament were anciently but one, but being divided, the Power was divided also; the Power of Inquisition was left to this House, that of Judgment was left in most Cases to that of the Lords, but in some Cases this House is not barred:—That the Power of Execution is in us with the Lords:—That we should reserve this Power of Inquisition in this Business wholly to ourselves. God hath said of himself, that he is the Searcher of all Hearts, and therefore it is no Derogation for us to be Inquisitors. As for the End whither this Judgment tends, every Offender oweth a triple Debt, *viz.* First, a Debt to the King; Secondly, to the Party; Thirdly, and to the Poor: and this Judgment tendeth to the Satisfaction of all these three Debts.

Mr.

MR. Chancellor of the Exchequer saith, that God, though he knew where the Party offending was, yet he called *Adam, ubi es?* to hear him before he condemned him: and he (following God's Example) would have us give Sir *John Bennett* Time till *Monday* next to answer, either by himself, or by his Council, at his Peril.

SERGEANT *Ashley* saith, Friendship should have no Competition with Justice; he is sorry to have so sad a Subject against an old Friend. He would not that we should have a new or further Inquisition, but hear his Answer, and so send it up to the Lords.

SIR *Edwin Sandys* saith, that there is a Judgment which declares a Man criminal, and to that Judgment he would have us proceed against Sir *John Bennett*, but first to give him a Day to answer. There is also a Judgment that tends to Execution; and, after we have heard his Answer, we may send his Cause to the Lords, to proceed to that Judgment for Execution according to his Deserts.

It is ordered, that Sir *John Bennett* shall answer here in the House by himself, or his Council, peremptorily on *Monday* next; and that he shall have the Heads of all those Businesses which are proved against him.

SIR *Samuel Sandes*. That in Capital Causes a Man must answer without any Notice beforehand to be given, but in Civil Matters a Man shall have Notice what to answer: and therefore this Order is worthily made, with much Favour to Sir *John Bennett*, in Respect he is yet a Member of this House.

MR. *Kelvert* examined saith, that *Sandford*, a Proctor, sometime Sir *John Bennett's* Man, is a principal Witness, and can discover much Bribery taken by Sir *John Bennett*, and so can also divers other Proctors. He saith, that Sir *John Bennett* gave in *Anno Domini* 1604 Fifty Pounds *per Annum*, for ever, to one to procure in the Convocation House, that there might be a Canon there made, that all

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Men might swear in *anima domini*, that is, that the Executor, or some Witness to the Will, shall swear that they verily think and believe, that such is the true Will of the Testator; by which Means Sir *John Bennett* hath gotten One Thousand Pounds *per Annum* for granting forth of Commissions to take the Oaths of such Men; for Sir *John Bennett* hath for every such Commission Fifteen Shillings, and this is out of the Registrar's Office of that Court:— That the Executors or Heirs of him who procured the said Canon, do at this Time receive the said Fifty Pounds *per Annum*. He saith further, that Sir *John Bennett* dealt with this Examinant to proceed no further against him; and that this Examinant's Mother in Law, Mrs. *Dupper*, came to him from Sir *John Bennett*, to desire him to proceed no further against him; and told this Examinant, if he would desist to prosecute him, he should have what Sum he would demand:—That Sir *Henry Martin* told this Examinant, that Sir *J. Bennett* had sent to him to speak to this Examinant to proceed no further against him; but Sir *Henry Martin*, when he understood how far this Examinant had proceeded, said, that he would not desire he should forbear Sir *John Bennett*, since he had already gone so far against him.

(122) *Friday, April 20. In the Afternoon.*

*The KING'S SPEECH to both Houses of Parliament, in the Hall at Whitehall.*

I AM your Head, and a Head should have Eyes *The King's Speech.* to guide the Body, which you represent. I have now sent for you to put you in Mind what you have to do; and I will also usurp the Office of Baron Tellock, and remember you of the Time, that you may do *opus diei in die suo*. I told you at the Beginning of the Parliament, that there were three Causes why I called the Parliament.

FIRST,



FIRST, For to amend old Laws, and to make new Laws.

SECONDLY, That the Lower House should represent to me the Grievances of the State.

THIRDLY, to supply my Wants, and to make me able to establish my Son in Law and Grandchildren in their Inheritance.

I OBSERVED the Alacrity of your Gift, that it hath been more freely given to me than ever any was to any of my Predecessors.

I WILL endeavour to reestablish my Son in Law and Grandchildren in their Estate by Treaty; but in the mean Time I have provided for War, and have bestowed Eighteen Thousand Pounds in Arms: I pray consider in the mean Time the Charge I am at for Ambassadors to treat; and how that I do, and must, maintain my Son in Law, and his Wife, Children, and Mother, out of my Estate.

I WOULD have you look to make good Laws: you have a Bill against those Caterpillars, the Informers, but I hear you cannot agree about it. Bridle your Laws, but be careful how you take away the Remedies in the penal Laws. Take away all Patents that are Grievances to the Subject; and likewise those Grievances of unjust Judges. I take it for a happy Thing to be informed of these great Abuses, which I could not have known of but by Parliament; but I would not have you hunt after, nor snatch at Abuses, but to do all for Love of Justice, not for private Purposes or Spleen; for a Parliament should be a Time of Jubilee, and not a Doomsday. I protest it would grieve my Heart that you should move me in any thing that I should not grant; be careful therefore to do and demand such Things as may be good for yourselves, and honourable for me to grant. I do go with a free Heart, and do hope that you will do so, as this shall be one of the happiest Parliaments in *England*. Be careful in punishing of Offenders, that you may amend

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amend Abuses; and do not abridge the Authority of Courts, nor my Prerogative.

Saturday, April 21.

" AN Act for the better increasing the decayed L. 11  
 " Rate of Corn, and other Country Commodities,  
 " by repealing a Statute of 5 Ed. 6. entitled, An  
 " Act against Retailers, Regraters, and Forestal-  
 " lers." [Vid. fol. 185.]

By this [ . . . . . ]

" AN Act against the Importation of *Irish* Cattle L. 12  
 " into *England*, and exporting of Coin out of this  
 " Kingdom into *Ireland*."

By this no Person shall import any Cattle out of *Ireland*, upon Forfeiture of the same Cattle, and the Vessel or Ship wherein they were imported; by the Statute of 19 H. 7. no Coin is to be exported out of this Kingdom. [Vid. plus, fol. 172 and 187.]

" AN Act for the Explanation of An Act of 23 L. 20  
 " *Eliz.* entitled, An Act for the Assurance of Eighty  
 " Pounds Land, *per Annum*, to the Bishop of *Coven-*  
 " *try* and *Lichfield*, which is granted by the said  
 " Bishop to *Edward Fisher, Esq;*"—These Lands  
 lie all, or the most Part of them in Com. *Warwick*.

" AN Act concerning Apparel, and the wasteful L. 21  
 " Expense of Gold and Silver."

" AN Act for the better venting of the Cloth of L. 22  
 " this Kingdom."

SIR *Edward Sackville* saith, that this Bill will hinder the Importation of Gold; and we punished Sir *Giles Mompesson* partly for being a Cause of the Hindrance of the Importation of Gold and Silver Thread. He wisheth, that we should rather prohibit Silk Lace and Sattin Lace embroidered, of whence cometh no Profit at all.

SIR

SIR Edward Cooke's Report concerning the Conference with the Lords, touching the Bill against Informers. That the Lord Treasurer said, that the Lords had received from the King's Learned Council, that the Extension of the Words of the Bill exceeded the Intention of this House, and that therein the Lords observed eleven principal Doubts, and Mr. Attorney, afterwards speaking, added to those four Doubts more; so as I was to answer to fifteen Exceptions.

1. THAT, as the Bill is penned, all Treasons and Felonies and Premunires are not to be tried in *Westminster Hall*, but are to be tried in the Country.

2. THAT it not only taketh away these great Things, but also the Jurisdiction of the *Star Chamber*.

3. THAT the Delinquent shall never be punished by confining of the Punishment to the County where the Offence is done; for, if the Malefactor run away, he escapeth Punishment.

4. THAT the King's Attorney General is confined.

5. THAT the Party grieved hath no Power to complain.

6. THAT, where it is intended the Ease of the Subject, it will be to the Grievance of him.

7. THAT the Liberties of the Cinque Ports, and the two Universities, are thereby taken away.

8. THAT hereby the Informer is to be sworn that the Offence was done in the County, whereas he is most often but informed himself.

9. THAT, if any Extortion be committed in any of the Great Courts, it is by this to be tried by Justices of the Peace.

10. THAT hereby it is likely the Sheriff and Justices of the Peace will be free.

11. THAT many Things which concern Coin must by this Bill go before a Commission of Oyer and Terminer, and not be tried here.

12. THAT this concerns Gaol Delivery.

13. It

13. It is excepted, that hereby some Offences are dispunishable; for, if a Man engross Corn, Wool, or any other Commodity in one County, and sell it in another, by this Bill he cannot be punished.

14. THAT this Law hath Relation to the Beginning of the Parliament; so as any thing done between the Beginning and End of this Parliament, shall, notwithstanding, be tried by this Law.

15. THAT this Act is to be perpetual.

SIR Edward Cooke's Answer to these Objections. Saith, that he ever expected this Bill should have many Opposers, because it taketh away from many Officers' Profits, but the King hath but a Trifle by all the vexatious Courses that is held by these Caterpillars, the Informers; who, with the Officers, do gain most, and in a Manner all that is gained.

1. For the first Exception, saith, that this concerns no Treason, Felony, or Premunire, for it is only against common Informers on penal Laws, and they never use to inform of such Things:—That this concerns Informers who do sue and prosecute; and a Traitor, Felon, or Premunire, is to be indicted, not sued or prosecuted.

2. FOR the second Exception, saith, that this concerns not the *Star Chamber*, for it is only against Informers on penal Laws; and such Matters are to be tried at the Common Law, and not in the *Star Chamber*, which is most proper for Riots, &c. The Act against Perjury and Forgery giveth *pars gravata*, the Party grieved, the Fine; and on Forfeitures against a penal Law, the King only is to have the Fine. Informers meddle not with the Common Law, but only with penal Laws: That *Champertye* is to be tried by the Common Law. In 7 *Eliz.* in the Lord *Dyer* it is expressed, that, if one inform in the *Star Chamber* on a penal Law, the Pleadings are to be in *Latin*, and the Party is to plead as in the Common Law. All Courts of Record are the King's

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Courts,



Courts, as Court Leets, &c.—That this Bill doth not touch any Jurisdiction, but only maketh an Election; whereas before an Informer was left to inform either here or in the County.

3. THAT, if the Malefactor run away, the Country hath a good Turn to be rid of him, yet may an Outlawry follow him, whereby the King shall have Profit.

4. THAT the King's Attorney General is not restrained, for he may have in the County (where any Trial shall be for the King) good Council if he will; but, if it be wholly left to him, we shall have no Ease by this Bill.

5. THAT this barreth not the Party grieved.

6. THAT we [ . . . . . ]

7. THAT we intend not to meddle with any Liberty or Jurisdiction, and there are Words in the Bill that expresse so much; and, if those Words be not large enough, then we shall like well, if the Lords add more to strengthen the same.

8. THAT it is reasonable the Informer should swear the Offence was done in the County; for, if an honest Plaintiff must swear, then much more an Informer.

9. THAT there is no Extortion but it is against the Common Law, and therefore it is not good to give Way to the Informer to inform on a penal Law; and yet by this Bill it is permitted an Informer to inform before the Justices of Assize.

10. THAT this Tenth Exception is answered in the Answer concerning Treason.

11. 12. 13. 14. To the rest of the Exceptions he said, that they concern not this Bill, or very little, and are not worthy the answering.

15. For the Fifteenth Exception, he said, that their Lordships might, if they pleased, make this Law against Informers a Probationer, or perpetual; that he thought this House would not stand much on it.

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(124) He saith, that he said further to their Lordships, *Qui tollit medium destruit finem*:—That the Prince said, he wished there might be another Conference for the better Explanation of these Points, for as yet there are [no] more Doubts: which Conference was accordingly appointed to be on *Tuesday* next.

“ AN Act concerning the Purveyance and taking L. 2.  
“ of Carts and Carriages, and Horse for Carriages  
“ by Land or by Water.”\* [Vid. plus, fol. 191.

By this, the Purveyor is to shew his Commission to the Mayor, Headborough, or Bailiff, &c. and that the said Mayor, or Bailiff, &c. shall allot the said Cars, Carts, Horses or Carriages, according to a Note or Warrant which the said Purveyor shall give him, which Note or Warrant is to be kept by the said Mayor, &c.—That the Purveyor shall also give Money unto the said Mayor, &c. for to pay for the Carts or Carriages, &c. according to such Rates which four Justices of the Peace shall set down for the same:—That the Custos Rotulorum shall send one Note of the said Rates to the Green Cloth, another to the Sheriff of the County; who is likewise to set up Notes of the same in every Town in the County where he liveth, for the Subject to take Notice of the said Rates:—That the Offenders herein shall not be punishable by the Green Cloth, but at the Sessions of the County where the Party offending dwelleth. [Vid. plus, fol. 191.

SIR *George Moore* would have us have a Note from the Office of the Green Cloth of the Number of Carriages that may serve the King, that there may be no Want for his Majesty's Service, nor yet too many troubled without Cause.

MR. *Mallet*. That the End is that which we look unto, and the End of our proceeding in the Business concerning Patents was to have a Reformation, not to punish any one Offender; therefore

\* [Passed our House.]

we had Yesterday from his Majesty Notice to despatch Business rather than to punish Offences or Offenders. Those who have been Meddlers in any of the Patents that are by Proclamation condemned (*viz.* that of Inns and Hosteries; that of Alehouses, and that of Gold and Silver Thread) are not to be excused, for they are all of them as Parties or Accessary.

SIR *Robert Phillips*. That he shall never speak to excuse any Man that dares offend the Commonwealth; but he offereth it to the Consideration of the House, whether or no we shall proceed against such Offenders now his Majesty hath interposed his Power, whereby we may guess his Majesty would not have the Offenders further meddled with: but he wisheth, that we consider of this till *Monday*, before we make any Order herein.

SIR *Edward Sackville* saith, that he is of the Opinion of Sir *Thomas Rowe* (who spake before him) that he had rather that the Patent of Alehouses should not have been taken away at all, than to be taken away only by Proclamation, after it had been condemned here for a Grievance both in the Creation and Execution: Therefore he thinketh it much behooveth this House, that there should be a Bill drawn, and that it with the other Patents may be all of them condemned by Act of Parliament; for he believeth, that his Majesty granted the Proclamation (whereby they stand condemned) only out of Grace and Favour, to take away the Patents for the Time only, till it might be done by Act of Parliament.—This is confirmed by the Speeches of Mr. *Alford*, of the Master of the Wards, *et aliorum*.

SIR *Edward Cooke* saith, that his Majesty granted the Proclamation for the damning the Patents, only to give Satisfaction to the Subject:—That all such Patents, as are for the Fabrick and composing of them good by Law, cannot be condemned but by Act of Parliament; but it is otherwise where Patents are

are not so well drawn, or are void in Law :—That, for Example, he would have both the Offenders punished, and the Patents condemned in a Parliamentary Course.

SIR *Dudley Digs* saith, that, since his Majesty hath been pleased to confirm by Proclamation our Judgment of those Patents, that they were against the Law, and yet that \* others do allege that it is not against the Law, he thinketh it fit that we should condemn it in a Parliamentary Course; and would have the King acquainted, that this is the Cause of our proceeding in such a Course.

IT is ordered, that we shall proceed in a Parliamentary Course for the condemning of this Patent, as it was likewise ordered before the Proclamation went forth.

IT is ordered, that the Master of the Wards shall give the King Thanks for the Proclamation, whereby his Majesty was pleased to confirm our Judgment given against all the aforesaid Patents: And that he shall, as from himself, acquaint the King with the Proceeding that is resolved on concerning this Patent.

*Saturday, April 21.*

COMMITTEE.

SIR *Richard Wigmor* bringeth his Patent for the Dispensation of a Statute of 5 *Eliz.* for the bringing in of Codfish and barrelled Fish.

SIR *Richard Wigmor* examined saith, he hath enjoyed this Patent sixteen Years; that this Patent hath been granted to others before him, and ever enjoyed since 11 *Eliz.* being Fifty-one Years since :—That (125) in this Patent there is a Clause, that on just Complaint any Six of the Lords of the Privy Council may revoke the same; but in all this Time there hath come no just Complaint against this Patent :—

\* As did the Lord Treasurer at a Conference.

That



That this Patent was referred by the King to all the Lords of the Council, to examine whether this Grant were a Monopoly or no, and whether it were one of those Patents that had been not long before excepted against, and whether it were *pro bono publico* or no; whereupon their Lordships did certify what they thought fit: and, upon their Lordships' Certificate, there were Provisoës added to this Patent, that, if this Patent were a Cause of enhancing the Price of Fish, or that the Patentees did sell it to a Fishmonger, whereby it might become a Monopoly, then on an Information in the Exchequer, before the Lord Treasurer, or on just Complaint made to any Six of the Lords of the Privy Council, it should be revoked by them, if they saw good Cause.

THAT by this Patent he was proportioned to bring into this Kingdom Twelve Thousand Lasts of Cod-fish and barrelled Fish in Twenty-one Years, and that every Last is to contain Twelve Barrels.

MR. *Bateman* saith, that this Patent hath been complained of in former Parliaments; but the greatest Grievance is, that Sir *Richard Wigmore* hath gotten all these Kind of Fish into his own Hands, and hath laid Ten Pence on every Barrel, which is Ten Shillings on every Last; whereby the Price of these Kind of Fish is much enhanced.

It is alleged by the Fishmongers, that there is paid to Sir *Richard Wigmore* Ten Shillings of every Last of Fish that is of this Kind imported, and yet he never looketh to reform any Kind of Abuse or Deceit used in the said Fish, but regardeth only his own Profit:—That Sir *Richard Wigmore*, by Virtue of this Patent, debarreth, that there can be no more Fish of these Kinds brought into this Kingdom, which likewise infinitely enhanceth the Price of this Fish:—That, before this Patent was granted, this Kind of Fish were here sold better cheap than now they are, and more Store of them was brought into this

this Kingdom:—That this Patent was complained of at the last Convention of Parliament, and had been put down, if that had held a Parliament.

SIR *John Brooke* saith, that this Patent hindereth, and is a great Grievance to all the Out Port Towns of *England*; for the Fishermen there, having taken of these Kind of Codfish, Ling, and other barrelled Fish, cannot be permitted to bring it in by Reason of this Patent, to the great Impoverishing of the Fishermen of all the Out Ports.

THE Patent of Lobsters is granted to Mr. *Paul Bassano* and *John Vandrie*; and, *Vandrie* being dead, Sir *John Lawrence* bought his Part.

THE Fishmongers allege, that this Patent was granted 13 *jac.* for Thirty-one Years, to the afore-said Patentees for the sole bringing in of all Salmon and Lobsters, with a Prohibition that none should bring in any such Fish unto *London*, or within Twenty Miles of *London*:—That the Patentees pay Ten Pounds Rent to the King:—That, by Means of this Patent, the Patentees and their Deputies forestal all the Lobsters that are imported into this Kingdom, and keep the Lobsters alive in Boats till there be a Scarcity of them, and that the Lobsters are almost starved, and then sell them at unreasonable Rates:—That the Patentees have laid some in Prison, for not being conformable to this Patent, and break open their Houses to search for Lobsters:—That they use to seize Boats and take away Fish from poor Men by Colour of this Patent:—That the Patentees will give to Fishermen that bring Lobsters to this Town but Four Pounds a Hundred, and yet they here sell them again for Six Pounds the Hundred:—That, before this Patent was granted, divers *Dutchmen* brought of these Kind of Fish alive to this Town, and other Parts of the Kingdom.

A FISHMONGER examined saith, that the Patentees do buy Lobsters at *Queenborough* for Four Pounds Ten Shillings the Hundred, which they  
after

after sell here for Six Pounds the Hundred; and thereby much enhance the Prices of Lobsters.

SIR *Robert Jackson*, a Member of this House, saith, that these Patentees will not permit any one to bring in Lobsters to this Town, but at their Rates.

*Peter Peppercorne*, a Fishmonger, examined saith, that four Years before the Patent was granted, he and one *Russell*, one *Jackson*, and others, *Englishmen*, did bring out of the Northern Seas, viz. out of the Coasts of *Yorkshire*, Lobsters alive into *London*.

SIR *Arthur Ingram*, a Member of this House, saith, that of his Knowledge *Peter Peppercorne* did bring Lobsters to this Town out of *Yorkshire*, and those Northern Coasts of *England*.

*Monday, April 23.*

“ AN ACT for the Restraint of the inordinate Use  
“ of Tobacco.” \*

By this no Tobacco shall be imported after the End of this Sessions; but, after 1 *October*, those of *Virginia* and the *Summer Islands* may return hither Tobacco, by such as carry thither any Victual, Cat-<sup>(126)</sup>tle, or Cloathing:—That after 1 *October* next there shall be no Tobacco planted here in *England*:—That there shall be paid to the King, for Custom of all such Tobacco as shall be brought hither from *Virginia* and the *Summer Islands*, Sixpence of the Pound, in Consideration of the Loss his Majesty shall hereby receive in his Customs. The Penalty is the Forfeiture of all such Tobacco as shall be imported from other Places than *Virginia* and the *Summer Islands*; and also the paying of Ten Pounds for every [ . . . ] Weight, that is imported contrary to this Statute. That no Tobacco shall be sold by the Merchant for above Eight Shillings the Pound; and by the Shopkeeper and Retailer for not above Ten

\* Passed.

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Shillings the Pound; but such as sell Tobacco by the Pipe may make the most they can of it. Those who sell Tobacco for above the said Rates herein expressed, shall forfeit Ten Pounds for every Pound they so sell, to be paid the one Moiety to the Informer, the other to the *Virginia* Company, for the building of Churches in *Virginia* and the *Summer Islands*.

It is alleged and proved, that Sir *John Bennett* hath been Judge of the Prerogative these Nineteen Years:—That he hath taken, by Colour of his Office, contrary to the Statute, the Common Laws, and the Ecclesiastical Laws of this Kingdom, and hath taken corruptly divers great Fees, as in divers Cases before recited; and also of one *Thomas Moore*, who gave one *Clerke* Sixty Pieces, to have Letters of Administration of the Estate of one *Moore*, who died intestate; which Sixty Pieces one *Clerke* gave to the Hands of Sir *John Bennett*. All which Businesses before recited are proved for the most Part by Two or more Witnesses.

MR. *Mallet* saith, that there are Nine other Businesses proved against Sir *John Bennett*, which have not yet been reported; which Businesses are as bad or worse than the Six before mentioned; and that there are some Fourteen or Fifteen others, which are not yet thoroughly examined: so as there are in all some Thirty Businesses proved and alleged against him for Matter of Corruption and Bribery.

SIR *Laurence Hyde*, being of Council for Sir *John Bennett*, at the Bar saith for his Client, that it is the Act of God that hindereth Sir *John Bennett* from coming to this House to answer for himself, and it is no Subterfuge to win Time for his Answer:—That Sir *John Bennett* saith he is innocent of all; but, because of the Weight of the Objections, and of the long Time since all these Things objected against him were done, and having received no Note of them till *Saturday* last, Sir *John Bennett* desireth one Week's



Week's Liberty more :—That the Proctor *Sandford* hath dealt lewdly with Sir *John Bennett*, having been heretofore his Servant; and that Sir *John Bennett* wisheth he could meet with him, for that he exonerateth himself on Sir *John Bennett*.

THE Speaker, asking Sir *John Bennett's* Council, whether they would deny or excuse these six Things which are charged, say that, the Charge consisting most of Matter of Fact, it is fitter for Sir *John Bennett* to answer it than his Council.

SIR *Robert Phillips* saith, that, since we have so much Business to do, and that Sir *John Bennett's* Council make an Answer or Excuse, which, if we will take and yield to, may serve for these seven Years, he could wish, that we should send these Things (which are proved to us) unto the Lords, who will search further into the Truth hereof by Testimony on Oath; and, as they have in other Causes proceeded, so we should desire their Lordships to proceed in what they shall think fit concerning the Business which shall be objected against the said Sir *John Bennett*.

SIR *Samuel Sandes* saith, that, since Sir *John Bennett* hath offered, in a Manner, a Contempt to this House, in not answering (having had a Day peremptory given him) whether he be guilty or no, he would have it voiced here; and he would have us take all the six Things (which are proved to us) *pro confesso*, because he evadeth and waveth his Answer, in not saying nor sending Answer, whether he be guilty or no; and would have us put him out of this House before we send him and his Cause unto the Lords, for he deserveth no Favour of the House, having deluded it by avoiding and trifling his Answer.

SIR *Edward Cooke* saith, that it is a ridiculous Thing, that Sir *John Bennett* should send hither by his Council his Answer to the Rumour, which hath been brought to his Ear, that this House is informed,

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formed, that he gave Money to procure a Canon, that there should go forth Commissions to take Oaths of such as should swear in *Animum Domini*, which is a Thing that this House doth not charge him with; and yet that he sendeth no Answer by his Council to those Things, whereof we sent him a Note, because he should send us his Answer: he would have him put out of the House before we send him to the Lords, that no Member of this House may be condemned for so foul a Business.

SIR *Dudley Digs* saith, that we sent the Lord Chancellor and his Cause to the Lords before we heard his Answer, because he was a Peer of the Realm, and such a one of whom we of ourselves could not demand his Answer; but we have dealt more favourably with Sir *John Bennett*, for we have given him Time to answer, and a Brief of what he was charged withal.

SIR *Henry Vane* saith, that he taketh thote Things which are proved against Sir *John Bennett pro confesso*, because he sendeth no Answer; and therefore desireth, that we may turn him out of the House, and that Care may be taken that he escape not, as Sir *Giles Mompesson* did; and to that End would have the Serjeant to take Care for his safe Custody.

MR. *Hackwell* saith, that Sir *Laurence Hyde* said, he spent four or five Hours with Sir *John Bennett* touching his Answer; and therefore we may well think he is able to answer.

SIR *Thomas Lowe* speaketh in the Behalf of Sir *John Bennett*, who is his Son in Law, that we need not fear his Escape, and that he is very sick.

SIR *Robert Phillips* saith, that, if we had all of us the same Interest in Sir *John Bennett*, as hath Sir *Thomas Lowe* who spake for him, we might perhaps have all of us the same Sense of his Case; but there is no greater Monopoly, than by Corruption to monopolize all Men's Estates of the Kingdom.

MR.

MR. Noye saith, that it should be first put to the Question, whether or no Sir *John Bennett* be, in the Opinion of the House, faulty in those six Busineses whereto he hath not answered according to the Order of this House: then, if we resolve that he is faulty, we should proceed to the Question for the Security of his Person; and, after he hath been adjudged faulty, and his Person secured, then we should put it to the Question, whether he should be put out of the House or no.

SIR *John Jephson* desireth, that his Estate, as well as his Person, may be secured.

SIR *Edward Cooke* saith, that none can secure his Estate; and therefore he would have it put to the Question only for the Security of his Person.

SIR *John Strangeways* desireth, that a Warrant may be granted to the Sheriff for the Security of his Estate, as well as his Person.

SIR *Edward Montague* taketh it to be against the Law, for to take Order for the Security of his Estate.

It is by Question resolved to be the Opinion of the House, that Sir *John Bennett* is faulty in those six Things wherewith he is charged, and answered not, having received the Order of this House, that he should answer to them.

SIR *Edward Cooke* saith, that, by Reason of Sir *John Bennett's* Sicknes, he would have the Sheriffs of *London* to set a Guard on Sir *John Bennett's* House for the Security of his Person.

SIR *Samuel Sandes* saith, that, because we have used to send Prisoners to the Tower, he would not have us confine ourselves to send Prisoners only to that Place; that Sir *John Bennett* being sick, if he should die by our removing of him to the Tower, the King should thereby lose his Fine, and the State the Execution of the Law. If a Son carry his Father who is sick into the Air, he is guilty of the Death of his Father.

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SIR *Guy Palmes*. That he would not have us create a new Precedent, but on good Grounds: the Tower is the proper Prison of this House; and therefore he would have Sir *John Bennett* sent thither.

MR. *J. Finch*. That Sir *John Bennett* hath committed a Contempt in not answering neither by himself nor his Council, having had a Day peremptory given him by this House; and therefore, if he were faulty in no higher a Degree, he deserveth to be sent to the Tower.

MR. *Ravenscroft* saith, that the Tower is the proper Prison of this House, yet this House is not so restrained, but that it may commit Delinquents to other Prisons; as he hath known some within these Thirty Years committed to the *Gate-house*, because it was near to this Place when the House should call to examine any one.

It is by Question ordered, that there shall be a Warrant from this House sent to the Sheriff of *London* for the Security of Sir *John Bennett's* Person, and that this Warrant shall be presently drawn by a select Number of the Members of this House; and that in the mean Time Mr. Recorder accompanied with six others, Members of this House, shall go see Sir *John Bennett's* Person secure till the Sheriff of *London* do, by Virtue of this Warrant, take Security for the Person of Sir *John Bennett*. And it is also by Question ordered, that Sir *John Bennett* shall be put out of this House, and that a Writ shall be sent to the University of *Oxon* to elect a new Burgeſs to serve in Parliament in his Place.

It is further alleged, that Sir *John Bennett* had of one *Margaret Norris* Forty Pounds. In one *Luther's* Case, his Wife gave Sir *John Bennett* Forty Four Pounds, that she might have the sole Administration of her Husband's Estate, yet Sir *John Bennett* did, contrary to Justice and his Promise, join the Intestate's Brother in the Letters of Administration with the Intestate's Wife; for which the Intestate's



tate's Brother gave Sir *John Bennett* Two Hundred Pounds:—That one *Thatcher* dying intestate, the elder Brother gave Sir *John Bennett* Ten Pounds to have Letters of Administration granted to him: *Anno* 1619, one *Sturges* gave Forty Pounds for to be made Administrator of his Kinsman's Estate:—That one *Wall* gave Ten Pieces to Sir *John Bennett*: *Davies*, the Proctor, gave Sir *John Bennett* Ten Pieces in another Business: Mr. *Hackmore*, the Prince's Auditor for *Devon* and *Cornwall*, gave for an Administration Fifteen Pounds to Sir *John Bennett*:—That, one Mr. *Rosfarrock* dying, his Wife did give Sir *John Bennett*, for to have a nuncupative Will proved, Fifty Pounds:—That, in one *Bannister's* Case, Sir *John Bennet* had Thirty Pounds, but this was given after the Business was done.

MR. *Kelvert* examined, saith, that the Thirty Pounds given in the Business of *Bannister*, was on a Contract for an Administration, and that one *Withers* gave Sir *John Bennett* Twenty Pounds more to reverse the same Administration:—That of One Hundred and Fifty Pounds, taken by Sir *John Bennett* of Mrs. *Luther* for pious Uses, in *Anno* 1619, there is nothing yet entered to be paid or employed by Sir *John Bennett* for pious Uses.

It is ordered by Question, that Sir *Edward Sackville* shall declare Sir *John Bennett's* Case tomorrow to the Lords, and that Sir *Edward Cooke* shall assist him.

## COMMITTEE.

*Monday, April 23.*

SIR *William Cope* saith, that one *Edward Eawre* (who hath been punished in the Star Chamber for Multiplicity of Suits, as a common Barretor) hath a Suit against one Sir *John Lentor* in the Chancery, and having gotten his Cause there to be referred to a Master of Chancery called Sir ——— *Moore*, this Master of the Chancery reported, that Sir *William*  
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*Cope* ought to pay a certain Sum mentioned in *Ewre's* Bill, albeit Sir *William Cope* had no Notice or Warning of the said Bill in the Chancery against him, nor ever had any Notice hereof from the Plaintiff, or from the Master of the Chancery, who thus condemned him the said Sir *William Cope*, without ever hearing his Answer; and, upon this Report of Sir ——— *Moore's*, it was decreed, that the said Sir *William Cope* should pay the said Money, for which afterwards his Land was accordingly extended.

It is alleged, that in the Statute 1 *Jac.* no Judge of any Court shall take any Fee or Reward for any Report or Certificate on Pain of Forfeiture of One Hundred Pounds for every Fee or Reward so received.

MR. Solicitor saith, that the Masters of the Chancery do desire by their Petition, that, in Respect of their Pains, the Fees which are expressed in the Privy Seal may be confirmed to them; which is as much as to say, that that may be confirmed to them, which is directly contrary to an Act of Parliament: but, for this, he hopeth the House purposeth to ease them of their Pains. The second Part of their Petition is to be restored to their ancient Benefit, which they said is granted from them by Patent. *viz.* of the Offices of Subpœnas and Superfedeas; but for this, he believeth, they cannot prove that ever it was theirs at any Time within the Memory of Man, which is within these Sixty Years: by the Privy Seal, they ought to have on every Reference Twenty Shillings, to be laid down equally; and they take Ten Shillings of every Plaintiff, and so much of every Defendant, if there be Twenty of them.

SIR *William Aylif* saith, that, in a Cause wherein he was Defendant, on a Reference to Sir *John Bennett* and Sir *Eb. Thelwell*, these Masters of Chancery took Ten Shillings of every Defendant, being  
Twenty;

Twenty; and yet, because the Plaintiffs were not present, they would not proceed, unless the Defendants would pay the Fees for the Plaintiffs. and so for that Time the Business was put off, nothing being then done; which Cause is not yet heard, it being twelve Months since.

SIR *Ebwell Thelwell*, a Master of the Chancery, examined saith, that the Consideration of the granting of these Fees expressed in the Privy Seal was referred to all the Judges, who certified their Opinions to the Committee, appointed for this Business by the Council Board. He sheweth a Report from the Lord Chancellor *Bacon*, Lord Treasurer \* *Montague* and Sir *Henry Yelverton*, who desired by the same Report, that there might be more Judges added to them to consider of that Business: whereupon the King's Pleasure was, that the Judges Opinion should be asked; and the Judges did accordingly deliver, by Word, their Opinions to the Lord Chancellor *Bacon*, Lord Treasurer *Montague*, and Sir *Henry Yelverton*, but would not certify their Opinions under their Hands. The Judges who were Assistants, were the Lord Treasurer *Montague*, then Chief Justice of *England*, the Lord *Hobart*, Chief Justice of the Common Pleas, Chief Baron *Tanfeild*, and Justice *Dodridge*. He further saith, being demanded, that there was not a Penny given by the Masters of the Chancery to any one, to procure the Privy Seal for the aforefaid Fees; but, after the Privy Seal was granted, all the Masters of the Chancery, save two or three, gave the Lord Chancellor *Bacon* One Hundred and Fifty Pounds apiece, for a Gratuity for what was done; and hoping also, that his Lordship would be a Means to restore them to the Benefit which was anciently belonging to them. He saith, in Defence of the Privy Seal, that by the Stat. of 21 H. 7. a Judge may

\* Sic.

create Fees in his own Court; and that he hath Sir *Jo. Walters's*, Mr. *Noye's*, Mr. *Dampont's*, and other good Lawyers' Opinions, that accordingly Judges may create Fees in their own Courts:—That the Judges of all the Courts at *Westminster* have increased their Fees, save only the Masters of the Chancery, who have lost their Fees.

SIR *Edward Cooke* saith, that he is of Mr. *Noye's* Opinion, that, where a Penalty is reserved to the King on a Statute, the King may dispense with his Part, but not with that Part of the Penalty which is to go to the Party grieved:—That it is a lamentable Thing, that a Master of the Chancery, who is a Civil Lawyer, shall judge of the Right of the Title whereby I hold my Land.

MR. *Sollicitor* saith, that the now Lord Treasurer *Montague* desired him to acquaint this House, that neither himself nor any of the Rest of the Judges did approve of the Allowance of those Fees to the Masters of the Chancery; nay, they were all of them absolutely against it.

MR. *Ravenscroft* saith, that, till the Lord Chancellor *Hatton's* Time, there was never any Thing referred to a Master of the Chancery; and the Reason why he referred Business to them, was, because he was a Stranger to the Law, and the Proceedings of the Chancery.

It is by Question resolved to be the Opinion of this Committee, that the Privy Seal granted for the Fees to be given to the Masters of the Chancery, was by an unjust Certificate unduly procured.

SIR *Ebwell Thelwell* being examined, saith, that in the Cause of Sir *William Aylif*, which was referred to him and Sir *John Bennett*, they took but Five Shillings apiece of each Side; and that the other Ten Shillings taken by him and Sir *John Bennett*, was in a Cause of one *Frith*, concerning a Bill of Conformity, and that they had met about it several Times, when they took no Fee.



THE Petition of Dame *Alice Coppin*, widow of Sir *George Coppin*, against Sir *William Cope*, for that he hath gotten into his Hands Nine Thousand Pounds of her's and her Children's Estate, and detaineth the same; and therefore desireth, that either the House will hear it, or give Leave to her to sue him at the Common Law.

SIR *William Cope* saith, that he hath freed Sir *George Coppin* of Nine Thousand Three Hundred Pounds, which he might have chosen whether he would have done for him or no:—That he bought Land of Sir *George Coppin*, whereof Sir *George Coppin* did subscribe to a Survey or Particular, that he would make good both the Number of the Acres, and the Value of the same, and the Rent; which Subscription the said Sir *William Cope* took for his Security, never looking further into it, or examining the Particulars of the same, but bargained for the said Land, and promised to give for the same, to Sir *George Coppin*, Twenty Thousand Pounds; whereof he hath already paid Fifteen Thousand Pounds, and there is behind but Five Thousand Pounds, whereof some Part is in Controversy. And he saith, the Land fell not out to be answerable to the Survey, neither for the Quantity of Acres, nor for the Value of the same, or of the Rent; but he could not have any Remedy against Sir *George Coppin*, because he died much in Debt, shortly after he had bought the same of him.

Tuesday, April 24.

- L. 1. "AN Act to make void a Decree made in the  
"Chancery, wherein Mr. *Francis Veskin* and others  
"were Plaintiffs against Mr. *Manning* and other De-  
"fendants."  
L. 1. "AN Act for the naturalizing of Mrs. *Albinia*  
"Cecil, Daughter to Sir *Edward Cecil*, Knight, but  
"born in *Utrecht*."

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" AN ACT for the Preservation of Hospitals yet in L. 1.  
 " Use or Being, together with the Lands and Main-  
 " tenance thereof."

" AN ACT \* for the Preservation of the Fry of Sea L. 2.  
 " Fish, and for restraining unlawful Fishing with  
 " Trawles."

By this none are to fish in the Narrow Seas, or in the Mouth of the River *Thames*, before 13 *November*, and but till [ . . . . . ]. There is a Forfeiture of Nets and Ten Pounds, and the same Pain for fishing with Trawles.

" AN ACT for the general Quiet of the Subject L. 3.  
 " against all Pretences of Concealments whatsoever."

By this no Lands shall be forfeited as Concealments, unless the King or some of his Ancestors have been answered a Rent for the same, within Sixty Years before the Claim made. [*Vid. plus, fol. 47.*]

" AN † ACT against the profane Sin of Swearing L. 3.  
 " or Cursing."

By this, if the Offender be above Twelve Years old, and refuse to pay Twelvepence for swearing or cursing, then he is to be set in the Stocks; and if he be under that Age, then for refusing to pay he is to be whipt by his Master or Parents. The Delinquent is to be convicted, by Two Witnesses, before any Justice of Peace; and for this, and in the like Cases, all Justices of the Peace are, by this Act, enabled to minister an Oath to Witnesses.

" AN ‡ ACT for the free Trade and Traffick of L. 3.  
 " *Welch* Cloths, Cottons, Plains, Frizes and Linings,  
 " in and through the Kingdom of *England*, and  
 " Principality of *Wales*."

THIS ACT is to continue for Seven Years, whether there be any other Parliament or no, and after Seven

\* This Act was not approved of by the Committee, and so never reported (after it was committed) to the House.

† [Passed our House.]

‡ [Passed our House.]

Years, then to continue but to the End of the next Sessions of Parliament.

SIR *Edward Cooke*. That by this Bill it is said, that no Man shall buy, but he that may lawfully buy; but a Foretaller is no lawful Buyer, and therefore this Bill giveth no Way or Leave, (as it is alleged) to Foretallers to buy. Whereas it is alleged, that, for a Reason of State, there was a Restriction in the buying of those *Welch* Cloths, &c. he saith, that a Reason of State is often used as a Trick to put a Man out of the right Way; for, when a Man can give no Reason for a Thing, then he flieth to a higher Strain, and saith it is a Reason of State. Freedom of Trade is the Life of Trade, and all Monopolies and Restrictions of Trade do overthrow Trade.

MASTER of the Wards saith, that he acquainted <sup>(130)</sup> the King, as from himself, concerning what had passed in this House touching the Alehouses; but, before he came, the King had been acquainted with it, and that the King was much offended, saying, that he thought it strange, that what was delivered by his Majesty to this House could not remain in our Memory till the Sun had gone once about; which his Speech was, that we should proceed and perfect what we had begun, and not set new Matters on Foot before the former were finished: but the Master of the Wards saith, that he told the King, that the House did in this but prosecute what they had in Hand before the Recess; and that the King, being at Length rightly informed, was satisfied. He told the King further, that the House had done nothing but what was for his Majesty's Honour; whereto the King said, he thanked the House for it, but wished that we should not be so careful for his Honour, as to destroy his Service: that the King would not have us to question those who certify on a Reference from his Majesty, either for Matter of Law  
or

or Conveniency, touching any Patent or Grant; for, if their Opinion be not right, which they certify, yet, if there be no Corruption proved against them, then he would not have them troubled for it, for *humanum est errare*; but, if we have any Proof that the Certificate was procured by Corruption, then he would have us hang those that do abuse him by such Certificates:—That the King said, that, if there hath been any Grievance in the Execution of the Patent of Alehouses, it would be unjust both in his Majesty and us not to punish it, and those who have done it, since *Mompesson* is already punished:—That his Majesty said, that he hath a Desire with all his Heart to make this the happiest Parliament that ever was: He would not have the Name of a Patent odious amongst us; neither doth he think, that a Patent which is against some Ten particular Men, is a Grievance to the Kingdom; and, if we take away such, we deprive his Majesty of all Means to reward his Servants:—That both the King and the now Lord Treasurer do desire, that the Lord Treasurer's Certificate concerning the Patent of Alehouses may be read here in the House: His Majesty would not have us question his Servants but upon good Ground, for that may blemish them.

SIR *Francis Seymour* saith, because it is known that he hath urged this Business the most of any Man against the Lord Treasurer, he thinketh it fit to add what he knoweth: And first saith, that he spake nothing at any Time in this Business, but his Conscience, and, if his Majesty be informed otherwise of him, he is sorry for it. He heard the King's Speech, and did move nothing, but only to prosecute (as he thought) his Majesty's Intention, and what was for his Majesty's Honour, that the Referrees, in the Patent of Alehouses, might be known and examined; and he spake more of the Execution of the Patent, than particularly against any one as a Referree; and that he said, that the Lord Treas-



surer, being a Referree, was assisting, and his Opinion often given for the Execution of the said Patent. He saith, that the Patentees have done contrary to the Patent, by the Advice of the Lord Treasurer, as themselves do say under their Hands:—That he knoweth that Houses and Trunks have been broken up by those who have executed this Patent, and albeit the Lord Treasurer gave not way to this Disorder and Grievance of the Subject, yet had it been Justice in him to prevent and remedy it:—That he who hath misinformed the King (as it seems by the Master of the Wards he was) if he be a Member of this House, he is unworthy so to be.

MASTER of the Wards saith, that, if the Lord Treasurer hath erred in giving his Advice, then he is to blame; but, if the Patentees or their Deputies have erred in the Execution of it, after they have received his Advice, they deserve to be punished.

THE Lord Treasurer's Certificate to the King, concerning the Conveniency of the Patent of Alehouses, as it is read in the House, *viz.*

“ THAT the Suit well followed and executed will be good:—That it will make less the Number of Alehouses:—That he would have none to have Power to privilege any who shall offend contrary to the Recognisance, for that will tend to licensing of Men to offend, and be dangerous to the Quiet of the State.”

THERE are in this Certificate good Cautions and Reasons, so as the House liketh well enough of the Certificate.

SIR Robert Phillips saith, that the Execution of this Patent hath been a great Discouragement to his Majesty's inferiour Officers, the Justices of Peace; and therefore he would have us to proceed to examine the Manner of Execution of this Patent, and to punish the Offenders therein, without Respect of any Man.

MR.

(131) Mr. Secretary saith, that he is sorry that this ill Office hath been done to this House; it is the first ill Office that he hath heard to have been to this House. He saith, that he was not here when this Business was treated of here, but his Majesty did ask of him concerning it on *Saturday* last, when he was not able to give his Majesty that Satisfaction as the Master of the Wards did, by Reason of his Absence when it was debated; but he desired his Majesty to suspend his Opinion, till he had further Notice and more Certainty of it. But, for this Business, he wisheth, that we should begin first at the Foot, and so to proceed upwards; that we first examine the Patentees, and those others who have been Actors in the Execution of this Patent; and after to proceed to these greater Personages whom we shall find faulty in it.

SIR *Francis Goodwin* saith, that some Inns are to be allowed by Prescription, others by Grant: but it hath been here in this House argued and held without Contradiction, that it is a Trade and Franchise to keep an Inn or Alehouse; and therefore every one may keep or set up an Inn or Alehouse. He desireth it may be here agreed on, who, and how an Inn or Alehouse may be erected.

SIR *Edward Mountague* saith, that, since there hath been set on Foot the Examination of an Abuse, which Sir *Francis Seymour* saith hath been committed by the Lord Treasurer, whereby (if nothing be proved against the Lord Treasurer, yet) a great Scandal will lie on the Lord Treasurer; he desireth, that the Lord Treasurer may be righted, and have his Remedy against Sir *Francis Seymour*.

SIR *Samuel Sandes*. That the Ground of the Order of the House, that none may speak twice in a Business, is to avoid spending of Time, and to avoid a Reply; for, if it be suffered to reply here, we shall soon all of us grow into a Flame, and that may breed Confusion amongst us.

SIR

SIR *Edward Cooke* saith, that a License from a Justice of Oyer, a Justice of Peace, or a Lord of a Manor, is not needful in Law to set up an Inn; for that it is a Trade, and it is called a Trade, *quia tradit* Things to us: And till of late there was never any License granted for the keeping of an Inn or Alehouse.

THIS House would have had it put to the Question, whether *Dickson* and *Almon* (who are the Patentees for the Alehouses) should be committed to safe Custody or no: but, Sir *Edward Mountague* offering to undertake for Mr. *Dickson's* forthcoming, and Sir *Edward Payton* offering to undertake the like for Mr. *Almon's* forthcoming, the House accepted of it, and the Question was not put.

SIR *Edward Cooke* saith, that he preferred to the Lords the Six general, and One particular Bill, which we sent by him to the Lords; and, for the Messages, their Lordships will return us an Answer to them by Messengers of their own.

A MESSAGE from the Lords.

THAT, for the Business against Sir *John Bennett*, their Lordships will give Meeting this Afternoon, at Four of the Clock, in the Painted Chamber; the Number shall be their whole House: And, for the Reconference touching the Bill against Informers, they will give Meeting at the same Place and Hour, and with the same Committee; with Power to that Committee to make a Sub-committee, to debate of that Business.

MR. *Alford* saith, that this House did never grant Power to a Committee, at a Conference with the Lords, to appoint a Sub-committee to debate any thing that should be there proposed; for divers Inconveniences may thence arise, against the Privileges of this House: And he offereth it to the Judgment of this House to consider, whether it will not be very inconvenient for this House (it being a Thing rarely or never known) that, when a Conference is

desired

desired by us with the Lords, or by them with us, that then the young Lawyers, Members of this House, should be put to debate with the learned Judges there, and with the King's Attorney, who are no Members of that House, but only Assistants there.

A PETITION from Sir *John Bennett*, the younger, and all the rest of the Children of Sir *John Bennett*, the elder, desiring their Father's more easy Restraint; for he is now so guarded and watched, that he can take no Rest.

THIS is by Order to be intimated (at the Conference) to the Lords.

*Tuesday, April 24.*

COMMITTEE.

A PETITION of divers Merchants, being of a Fellowship for the Discovery of new Trade, shewing, that the *Muscovy* Company is decayed, and that, from using of Fifteen Ships, they now employ (132) not above Three Ships:—That this Company now tradeth in a joint Stock, which is the principal Cause of the Overthrow of this Company: being in Debt, every young Man who cometh newly out of his Apprenticeship, is to put the Money he intendeth to trade with into that joint Stock; whereby all the young Merchants' Estates are swallowed up in the old Debt: And this is the Labour of the old Merchants, to make the young Merchants share in the Payment of their old Debts.

*Wednesday, April 25.*

“ AN Act for the enlarging of a Statute made 8 L. 1.  
“ *Eliz.* entitled, An Act concerning Sea Marks and  
“ Mariners.”

By this the *Trinity House* at *Deptford* is only to have the keeping and Benefit of the Lighthouses of  
*Winterton*



*Winterton Nefs* and *Dungeon Nefs*; taking for the Light of *Dungeon Nefs* only a Penny of the Ton homeward, with a Penalty if they take more.

“ AN ACT for Confirmation of Grants made to the King’s Majesty, and of Letters Patent made by his Majesty to others.”

By this are confirmed all Patents sealed with the Great Seal, and all Grants or Indentures sealed with the County Palatine and Dutchy of *Lancaster*, for any Consideration of Money or Service done; with Proviso, that this Act shall not extend to make good any Patent for any Office whatsoever; nor extend to any Patent for any Term of Years or Lives, wherein the ancient Rent is not fully reserved: With Proviso also, that this shall not extend to any Monopoly or Patent for Dispensation of any penal Statute, nor to any Patent wherein the Value of the Thing granted is of more Worth than is expressed in the Patent, or in a Particular whereon the Patent is founded.

SIR *Dudley Digs*. That this Bill is of dangerous Consequence: The Great Seal, if it be granted on a valuable Consideration, will justify itself; but there is none that knows not, and himself hath heard in a former Parliament, that, when as some have offered Forty or Fifty Years Purchase, the same Thing hath been afterwards sold for Twenty-eight Years Purchase. He desireth, that this Bill may be rejected; and, if any one doth desire to have his particular Patent confirmed, he doubteth not but, if it be a good Patent, the House will confirm it.

THIS Bill was preferred by Sir *Henry Poole*, and spoken against by Sir *William Stroude*, Sir *Thomas Posthumus Hobby*, &c. and is rejected.

SIR *Dudley Digs* desireth, that the King may be moved to redress and lessen the Number of Justices of Peace.

MR.

MR. *Drake* would have none to be Justices of Peace, whose Wife, Alliance, or Children are Papists.

SIR *George Moore* saith, that in a little County, where there were never till of late wont to be above Eight Justices of Peace, there are now Sixty: he desireth, that there may be a Bill to reduce Justices of Peace to a certain Number for every County.

MR. Chancellor of the Exchequer. That there is no Government in any Kingdom that doth parallel this Kind of Government, if it were looked unto, and were but the most sufficient Gentlemen put into the Commission of Peace; that they should be wise, understanding, honest Men, for Justices of Peace are the true Distributors of Justice.

SIR *John Strangeways* moveth, that there may be an Order, that no Lawyers may be of the Commission of the Peace, who have not been Readers of some Inns of Court.

SIR *Edward Payton* saith, that, when any Business is to be judged in the Upper House of Parliament, concerning the Life or Death of any Man, the Bishops there ought not, neither are they as Judges there; and therefore he thinketh it unfit, that any Clergyman should be a Justice of Peace.

SIR *William Spencer* moveth, that no Chancellor to a Bishop may be a Justice of Peace.

SIR *Gilbert Gerrard* moveth, that none may be a Justice of Peace that hath not some Freehold in the County where he is a Justice of Peace.

It is ordered, that the Speaker shall make a Warrant to the Party that prosecutes *Bowdler* (for the Fine imposed on him by the Lord Chancellor, for not performance of a Decree made in the Court of Chancery) to desist, till this House hath heard and determined the Bill depending in this House, touching this Business.

SIR *Nathaniel Rich* moveth, that he that hath broken the Order of this House may be sent for, to answer here at the Bar his Contempt: which Order  
of

of the House was, that Mr. *Gibb* (who hath begged <sup>(133)</sup> *Bowdler's Fine*) should send in his Patent or Grant of the said Fine. But it was resolved, that Mr. *Gibb*, having only to do with the said Fine, hath committed no Contempt.

A COMMITTEE is, by Order of the House, appointed, to think on some Course to regulate the Chancery.

MR. *Griffith* moveth, that this House will consider, whether *Churchill*, the Registrar, who by his own Confession is found to be foully faulty, should escape Punishment.

SIR *Henry Poole* saith, that it stands not with the Justice of this House to punish the chief Judge, and remit this so faulty an Officer.

SIR *Dudley Digs* saith, that *Churchill* hath in divers Causes played the Judge, Lawyer, and Registrar himself, for he hath made what Orders he listed; and that he merits no Favour for his revealing of the other Offenders, for he said nothing till himself was forced to come in, being accused as a Delinquent; and his Confession then was but to exonerate himself.

MR. *Alford* would not have *Churchill* punished, till there be some Order taken to regulate the Chancery, and to punish all the rest of the Registrars as well as him; for they are all accused to be faulty, though not in so high a Degree.

IT is ordered, that the Speaker shall send a Letter to the Barons of the Exchequer, and a Warrant to the inferiour Officers; and shall also with it send an Order of this House, for to stay a Suit which is to be heard there Tomorrow, wherein Sir *Robert Phillips* is a Party.

THERE is appointed, by Order of this House, a particular Committee for to regulate the Course of the Court of Exchequer, and the Abuses thereof, in Fees or otherwise: and Sir *Peter Salkinston's* Patent is also to be brought to this Committee to be considered

considered of; and the Committee hath Power to draw a new Bill for this Purpose, if they think fit.

SIR *Edward Sackville* saith, that he hath received, since he delivered to the Lords the Business against Sir *John Bennett*, divers other particular Informations concerning Sir *John Bennett*; and one particularly in the Case of one Mr. *Goodyer*, who gave Sir *John Bennett* Five Hundred Pounds concerning his Wife's Father's Will: the Particulars are expressed in a Note which he hath from Mr. *Kelvert*.

It is ordered, that Mr. *Kelvert* shall have redelivered to him all the Notes he did deliver into this House, and that he present the same to the Lords.

SIR *Edward Cooke* reporteth, from the Committee of Grievances, that one *Paul Bassano* and one *Vandrie* have gotten to them a Patent for the sole importing of Salmon and Lobsters into, and near about *London*, for the Term of Thirty-one Years, on Pretence that it is a new Invention:—That it was proved to this Committee, that this was used by *Englishmen* Four Years before this Patent was granted:—That the Patentees bring in no Salmon, and, for Lobsters, they buy them for the most Part of the *Dutchmen* at Sea:—That in 30 *Eliz.* himself and Judge *Popham* did, by the Queen's Command, enquire how many Men, Women, and Children there were in *London*, and they then found that there were to be numbered about 900,000 Persons:—That it was proved, that there were 1100 Lobsters taken away by the Patentees from one Man:—That the now Lord Chancellor, then Attorney General, was a Referree, and certified and drew the Patent:—That he also procured the Patent for these two Patentees, who were his Servants, and imprisoned some who did offer to hinder the Execution of this Patent.

It is by Question resolved to be the Opinion and Judgment of the House, that this Patent is a Grievance both in the Creation and Execution.

CON-



CONCERNING the Bill for free Fishing in *Virginia* and those Parts.

SIR *Edwin Sandys* saith, that the King divided *Virginia* into two Colonies, viz. the Southern Colony, and the Northern Colony; which Northern Colony was since, when a Fishing was appointed there, called *New England*:—That the Fishing in this new Colony, called *New England*, is far better than that of *Newfoundland*; and, by Reason of a Patent which prohibits all our Countrymen to fish there, there fish now *Frenchmen* and *Dutchmen* in Abundance:—That the Fish there is fairer and pleasanter than the Fish at *Newfoundland*; and, if the Bill for the freer Liberty of fishing in those Parts pass, there is good Hope that this Kingdom may in Time gain 100000 *l. per Annum* in Coin; for all Countries will give way to carry out Money for Victuals, of which Kind of Victuals they there hope to furnish both our own and other Countries:—That in this Northern Colony there is Salt to order, barrel and preserve the Fish which shall be taken in those Parts.

MR. Secretary saith, that *Virginia*, *New England*, *Newfoundland*, and those other foreign Parts of *America*, are not yet annexed to the Crown of *England*, but are the King's as gotten by Conquest; and therefore he thinketh it worthy the Consideration of the House, whether we shall here make Laws for the Government of those Parts; for he taketh it, that in such new Plantations the King is to govern it only by his Prerogative, and as his Majesty shall<sup>(134)</sup> think fit: and, if in any thing he (being a Minister of the King's Prerogative) may put us in Mind of his Majesty's Prerogative, then in this:—That the Fishermen, for whom, by this Bill, we have only Care to provide, are the only Cause of Disorder there; for he hath received many Complaints, that those Fishermen burn down the Woods in those Parts, sometimes an Hundred Acres of Wood at a Time;

Time; and that they cast out Ballast and Stones into the Havens there, and so mar them.

MR. *Guy* saith, that there are divers Patents concerning the Fishing in those Parts.

MR. *Brooke* saith, that in 11 H. 7. this House made a Law which tied *Ireland*, before it was annexed to this Crown; and the King's Prerogative is not touched or impeached by it, for what is here done is done but by the King himself; for his Majesty hath a negative Voice, so as he may refuse whether any such Bill may pass or no, though it hath before passed both Houses.

SIR *Edwin Sandys* saith, that his Majesty hath annexed to the Crown both *Virginia*, *New England* and *Newfoundland*; and that he knoweth *Virginia* is held as of his Majesty's Manor of *East Greenwich*, and he verily thinketh *New England* is so holden of his Majesty also.

[*This Bill is committed.*]

SIR *Dudley Digs* saith, that, whereas we are to appoint a Committee to confer with the Lords, concerning the Bill against Informers, and to order that that Committee shall have Power to appoint there a Sub-committee, as Occasion should be; he thinketh (this being a Thing unusual) that the Lords intend only, and so it would be best for us to appoint some of that Committee to speak and debate the same with their Committee, and that those, whom we appoint so to speak and debate, will be the fittest Sub-committee.

It is, according to this last Motion, ordered by the House, that some of the former Committee on the former Conference concerning the said Bill against Informers shall be Speakers at this Committee, and, if Occasion be, shall be by the Committee made a Sub-committee.

*Wednesday,*

Wednesday, April 25.

COMMITTEE. Concerning Grievances.

MR. *Dickson* saith, the Petition for the Patent of Alehouses was first preferred by Sir *Robert Maxwell*, Sir *James Spence*, Mr. *Christopher Villars*, and Mr. *Mawle*; and that this was referred by a Letter from the King to the now Lord Treasurer, to certify his Majesty his Opinion of the Suit; which accordingly the Lord Treasurer did, but with such Cautions as there can be no Exception taken to it, but that what he certified was good and honest.

MR. *Dickson* examined saith, that one *Milton*, who had some Dependancy on Sir *James Spence*, was, as he knoweth, and hath often heard Sir *James Spence* say, the first Projector of this Suit:—That Mr. *Almon* was the first that spake to this Examinant to be a Patentee in this Business; and he came, as he said, from Sir *James Spence*, to desire this Examinant to be a Patentee in it:—That this Examinant and Mr. *Almon* and *Milton* were to have had an Eighth Part of a Moiety betwixt them (That this Examinant never had above Sixteen Pounds for his Part) and the four Gentlemen who preferred the Petition to the King, were to have amongst them the other Seven Parts of the same Moiety; and that the other Moiety was reserved to the King, who was pleased to grant that said other Moiety by Patent to Mr. *Mawle*:—That he thinketh the King had never a Penny paid him out of the said Moiety, before he granted the same to Mr. *Mawle*:—That he meddled not above One Year and a Half in this Business.

*Vaughan*, the Solicitor in this Business, examined saith, that the Instructions for the Prosecution of this Business were drawn by Sir *Francis Michell*:—That the said Patent of Forfeitures of Recognisances of Alehouses was granted to Mr. *Dickson*, and *Almon* for Five Years:—That such Alehouses as would compound might, paying but Seven Shillings and Sixpence.

MR.

MR. *Dickson* again examined saith, he knoweth not any one of the Commissioners who were authorised to compound for the said Forfeitures of the said Recognisances; neither did he ever meddle to make any Composition; nor was privy to the sharing of the Benefit that might arise out of any of the Counties, by Means of this Patent.

COMPLAINT is made to the House, that many Hundreds of poor Men have been served with Process, but could never have any Declaration put in against them whereto to plead, albeit they paid their Money for Copies of it beforehand, and continued their Appearance for Three Months together:— That *Vaughan* and other Commissioners made Compositions, and every Victualler and Alehouse-keeper paid Fourteen Shillings and Fourpence, or Fifteen Shillings Imposition.

*Weston* examined saith, that there are in *England* and *Wales*, as hath been estimated, Fifty Thousand Victuallers.

MR. *Green*, a Member of this House, saith, there have been divers Attachments granted forth of the King's Bench, before any *Scire facias* hath gone forth for that Purpose; whereas the Course is, that there should have first gone forth a *Scire facias*, which is long, and declareth the Cause and Matter which is objected against the Party. And he saith, that the Parties who have been served with the Attachments did appear, and attend sometimes three Terms together, but never had any Declaration put in against any of them; for that the Patentees could not agree, nor any Council tell them, what Declaration they should put in against the Victuallers.

35) *Weston* again examined saith, that the Lord Chief Justice, now Lord Treasurer, did commit this Examinant to Prison, for that he followed a Suit to the Lords of the Council, in the Behalf of the Victuallers; and that he lay in Prison seven Days; after which Time the now Lord Treasurer did release this



Examinant : He saith, he lay not in the King's Bench Prison, but, by Favour of the Marshal of that Court, he lay within the Rule of the King's Bench.

MR. *Noye* saith, that, upon a Debt owing to the King, there goeth out of the King's Bench a *Scire facias* to the Sheriff, and, if the Sheriff return *Scire feci*, then the Course is, that the Party appeareth and pleadeth to the Declaration, and so the Court proceedeth to a just Judgment; but, if the Sheriff return a *Nilil*, then on the second *Nilil* the Court proceedeth likewise to a Judgment, albeit the Party never had Notice; and then to Execution, and so to Outlawry : so as a Man may be outlawed before he hath any Notice of the Proceeding against him.

*Cavendish Sanderfon* examined saith, he with others did farm of the Patentees the Counties of *Sussex*, *Surry*, and *Kent*; for two of which Counties he and another gave an Hundred Pounds apiece to the Patentees, and for *Sussex* an Hundred Marks; and that afterwards he sold *Sussex* to two *Kentish* Gentlemen for an Hundred Pounds : He saith, that Sir *Francis Michell* did procure this Examinant this good Bargain of these three Counties, for which Courtesy he gave the said Sir *Francis Michell* Thirty Pounds.

*Edmund Hackley* examined saith, that there was a Writ went out in this Business, wherein there were above Three Hundred Names :—That those who were poor Men escaped (if they were served) for Thirty Shillings, but the richer paid Five or Six Pounds apiece. He saith, that, when himself and others who were served with the Process (wherein there were Three Hundred Names) did appear, there was no Declaration in against them, neither could they get any whereto to plead.

It is alleged, and offered to be proved, that in the first Year there issued forth Nine Thousand Eight Hundred and Sixty-seven *Certioraries* for to return the Recognizances of Alehouse-keepers and Victual-

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lers into the Crown Office; on which Recognisances the Patentees, by their Agents, proceeded against the poor Victuallers, and Alehouse keepers.

MR. *Parwlett*, a Member of this House, saith, that one *Dowtey* and *Dasber* came to him in *Somersetshire*, to assist them in the Execution of this Patent of Alehouses, and brought with them a Letter directed to himself and other Justices of Peace in that County, and to the said *Dowtey* and *Dasber*; and he asking *Dowtey* and *Dasber* for the Patent itself, when they shewed him the Commission that was derived from it; and also asking them for the Recognisances on which they would proceed against the Cognisours, and of the Manner and Course of their Proceeding, *Dowtey* told him, that he had neither the Patent, nor yet the Recognisances there, but that they were all at *London*:—That the Course that was used and set down to be held by these Deputies or Commissioners was, that first they ever sent for all the Alehouse-keepers and Victuallers, and then, without ever shewing them how they had forfeited their Recognisances, they did compound with the Cognisours, taking of some of them Ten Shillings, of others Nine Shillings, of some more and some less; and all such Alehouse-keepers, as refused to compound with this *Dowtey*, he presently served with a Process which he had ready for every one of them. He saith, that the Letter, which was brought and directed to him and others, was subscribed by Sir *Robert Maxwell*, Sir *James Spence*, Mr. *Christopher Villars*, Mr. *Mawle*, Sir *Francis Michell*, Mr. *Dickson*, and Mr. *Almon*:—That in this Letter or Commission this *Dowtey* and *Dasber* were named to be of the *Quorum*, and might do what they list in that Business; for the rest of the Commissioners or Justices of Peace, to whom it was directed, were put in only for a Colour to their Actions, and seldom was any of them acquainted with the Business.

THE Lord Chief Justice, now Lord Treasurer, sent down a Warrant or Letter to testify, that he was acquainted with the Proceedings of those Commissioners or Deputies.

*Vaughan*, the Sollicitor, again examined saith, that he remembereth not that there were in any Writ put above One Hundred and Twenty Names.

IT is affirmed, that it was an ordinary Course in this Business of Alehouses, to send down a Letter to Four or more Justices of Peace, and to Two Deputies, to compound with the Alehouse-keepers; and that ever those Two Deputies were of the *Quorum*, and did most often execute the same, with the Assistance of the Justices of Peace; and that those who were of the *Quorum* were ever named by the Deputies who procured the Commission.

*Thursday, April 26.*

MR. Speaker saith, that the King hath sent to him and Mr. Sollicitor, to move this House to consider of some Course to mend the Highways.

WHEREON there is accordingly a Committee appointed, to consider of the Highways and Bridges, and of some Course to amend the same: and all the Knights of every Shire are of this Committee, and also as many as will come are to have Voices; and Mr. Sollicitor is especially ordered to be of this Committee.

“AN Act for the catechising and Instruction of Children.”

By this all Parsons, Vicars or Curates, that do not catechise half an Hour every *Sunday* the Children of his Parish, under the Age of Twenty-one Years, shall pay Five Shillings: And those, who send not their Children or Servants to be catechised, shall pay Five Shillings for every Time they shall not send them; which Fines are to be levied by Distress, and, if there be no Distress, then the Justices of Peace shall

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shall send the Party offending to the Gaol. A Proviso, that none shall be questioned for Breach of this Law, after Six Weeks after the Offence hath been committed. This Bill was preferred by Mr. *Savage* of the *Middle Temple*.

“ AN ACT against Plurality of Benefices and Non-residences.” L. 1.

By this the Provisoes in the Statute of 21 H. 8. shall be void, except where there are Two Parishes, and but One Church. In this Bill there is a Provision, that the King's ordinary Servants, or the King's Servants who are beyond the Seas, shall not be tied by this Bill. It is by this Bill enacted, that those who have more than one Benefice shall, within a certain Time, make an Election, which Benefice they will have.

“ AN ACT for the Explanation of former Laws against Popish Recusants, and for the preventing and avoiding of the Evasions of the true Execution of those Laws.” Preferred by Sir *Jer. Horsey*. L. 1.

By this the Minister of every Parish, the Churchwardens, Constable, Tithingmen, Overseers of the Poor, and Sidesmen, or Two of them, are to present at the Assizes the Names of those who come not every *Sunday* to Church:—That the Party offending shall be indicted on the said Presentation, and, if he come not in to traverse the Indictment after Notice given to the Party, or left at his House, or on public Notice, then the Delinquent shall stand as a convicted Recusant, and pay accordingly to the King:—That all of Sixteen Years old shall come to Church. If such Officers aforesaid do neglect to present the same, they shall undergo such Punishment as the Judges shall think fit. [*Vid. plus, fol. 160.*]

“ AN ACT for the Restoration of the free Trade of the Merchants of the Staple for the transporting of any Woollen Cloth, or any other Stuff made of Wool.” L. 1.  
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By this Act it shall be lawful for all Men that are of the Company of the Merchants of the Staple, to transport any Woollen Cloth, or any Stuff made of Wool, to any the Staple Towns, or other Parts beyond the Sea.

SIR *Robert Phillips* moveth, that the House would take a View of the Grievances, and select forth the principallest; and also the chiefest Propositions of or concerning Trade; and also of the chiefest and most general Bills for the general Good of the Commonwealth; and this Election is to be made by a select Committee: and that, when we have selected the principallest Grievances, Propositions for Trade and general Bills, and finished them, then the rest should be proceeded withal.

SIR *Samuel Sandes* saith, that we have already received so many gracious Favours from his Majesty, that we need not preoccupate his gracious Favour and Mercy for the Good of the People; and therefore he thinketh it not fit to petition his Majesty concerning the Pardon, but to let that come of the King's own mere Motion. He wisheth, that a Committee be appointed to consider of and select the most general Businesses, and those that are of largest Extent; yet not excluding the private Bills and Grievances which are in the House, but that they may likewise have their Times.

MR. *Wentworth* desireth, that the principallest of the Business concerning the Reformation of Courts of Justice may also be selected by the same Committee.

It is ordered, and a Committee appointed accordingly to take, view, and consider the State of all the Businesses in the House, and to make their Report of it to the House; and all the Sub-committees, that were appointed to sit during the Recess, are to make their Report to this Committee; and also this Committee is to report to the House, which of these

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these Busineses are of most Importance in their Opinions, and shall have Power to adjourn the Business *de die in diem*, as they shall think fit.

SIR *John Jephson* saith, that the War in *Ireland* hath cost this Kingdom very much Blood and infinite Treasure:—That there are very few of the Natives of that Kingdom, that are not mixed with the *English* Blood, who are not Papists; and that which continueth them in that Superstition, is the ill Lives of those who are of our Religion; and it hardeneth them against our Religion to see, how miserably the Protestants there are exacted on. There is none there christened, but he payeth Sixpence for his Baptism, and none married or buried there, but he payeth something there to a Monopolizer; and there are such an Abundance of Monopolies that it is lamentable; and he desireth therefore, that this House (137) will consider of some Course to acquaint the King with it.

SIR *John Davies* saith, that it is expressly in the Law Books set down, that *Ireland* is a Member of the Crown of *England*:—That there was in *Ireland* also a Patent of Alehouses, which, on the Complaint of some principal Men of that Kingdom, the King did recall about Two Years since, and gave Order to redress the same:—That this Kingdom here cannot make Laws to bind that Kingdom, for they have there a Parliament of their own.

SIR *James Parrett* saith, that one great Abuse in *Ireland* is, that they buy the Sherifffick, and do abuse it much, to the great Grievance of all the Inhabitants there.

SIR *Robert Phillips* saith, that these Kind of foul Abuses shew, how the ill Carriage and Behaviour of unworthy Servants doth reflect on the King's Honour: desireth, that we may take some Order to examine this, and to represent the same to his Majesty.

SIR *Edward Cooke* would have us consider, first, what herein we may do: and, secondly, what is fit

fit to be done in a Parliamentary Course. *Ireland* was never totally reduced till the coming of this King; for there ever was a Back Door in the North Part of that Kingdom, till his Majesty's coming. If *Ireland* be not safe, we cannot be sure; but, if *Ireland* be safe, our Navy good and well furnished, and the *Low Countrymen* our fast Friends, we need not fear the Pope or the Devil; and therefore we ought to have a Care of it. He saith, he never saw or knew of any Grievance whereof any durst to complain out of Parliament, but the King gave Order to redress and remedy it:—It is both fit and lawful for us to complain for *Ireland*:—At this Parliament there are divers of the Lords of the upper House who are appointed to hear and bring in the Complaints of *Ireland*:—That on such Complaints of *Ireland* the King doth order a Reformation; and those Things, which may not be reformed but by a Parliament, his Majesty hath put in a Course, and given Order for a Parliament in *Ireland* to make Laws to remedy the Abuses there. He desireth a Committee may be appointed for these Businesses, and that, when we have found Matter of Worth, that we represent the same to the House, and thereon desire a Conference with the Lords, that we may all join in Consideration for a Remedy therein.

A SELECT Committee is appointed to consider of the Business and Grievances of *Ireland*, and all who will come to this Committee are to have Voice; and Power is given it to send for any to attend them.

SIR *Edward Cooke's* second Report concerning the Bill of Informers. Saith, that the Lords have altered nothing in Substance in this Bill, but have added something to it: the Lord Treasurer, the Bishop of *Bath* and *Wells*, a very understanding Gentleman, the Lord *Sheffield*, the Lord *Wentworth*, and the Lord *Russel* were all of them on the Committee, and very forward to pass the Bill:—That that Committee hath now set down in the said Bill, that the

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King's Attorney must go down into the Country, if he will inform on any of those Things, or otherwise send down his Deputy :—That he hopeth this will be the happiest Bill that ever passed.

THE Master of the Wards saith, that the Motion here, touching Justices of Peace, begat another by the Lord Chancellor to the King; who said, it is true that there are many Justices of Peace, but said withal for Excuse, that there was no Restriction to any certain Number: whereto the Master of the Wards answered, and desired to have the Justices of Peace reduced to the Number that was in 40 *Eliz.* which the Lord Chancellor did not so well approve of. He saith, the King is already provided to give a Remedy to this Grievance, and therefore desireth that his Majesty may be moved in it.

It is ordered, that this shall be considered of, and that there shall go a Message to acquaint the King with this Business, and to desire his gracious Favour to give a Remedy to it.

*Thursday, April 26.*

COMMITTEE. Concerning Trade, and the Cause of Want of Money.

It is alleged, that one Reason why there is no more Money coined is, that the Mint is raised to too high a Rate for Coinage; for there is now paid Fifteen Shillings for Coinage, which in Queen *Elizabeth's* Time was but at Seven Shillings and Sixpence.

MR. *Witbers* examined saith, that the greatest flourishing of Trade for Cloth was in 1605:—That in *Anno* 1601 there were vented in the Archduke's Country Eight or Nine Thousand Cloths; and there is now Three Thousand, or Three Thousand Six Hundred Cloths less vented than there was then.

MR. *Neale*, a Member of this House, saith, that the Impositions laid on the Merchandises of this Kingdom, by all the Companies, amounteth to no less



less than Twenty Thousand Pounds *per Annum*, besides the Customs and Impositions laid on Trade by the King: And there is now no Place whither a Merchant may trade, but there is a Company of it, and none may trade thither, unless he be free of that Company; for there is a *Barbary* Company, a *French* Company, another Company for *Germany*, a *Muscovy* Company, an *East India* Company, a *Spanish* Company, and so of all the principal Places of Trading beyond the Sea:—And that there is Power given to every Company by his Patent, to restrain Trade as they list, and to lay what Impositions they will on Trade; and beyond Sea, when they hear that the Imposition on any Merchandise is raised, they there also, after our Example, raise their Impositions. (138)

It is the Opinion of all the Committee, that it is against the Treaty for any foreign Prince or State, which is in League with us, to raise any Imposition upon any Merchandise of this Kingdom, albeit they lay it on their own Subjects; for our Merchants must abate in the Prices what is imposed on the Foreigner's Subjects, or otherwise the Merchants there will not buy our Merchandise.

MR. *Neale* thinketh, that we take a wrong Course to find out the Cause of the Decay of Trade, by examining the Merchant Adventurers, who are the most principal Decayers of Trade, by the great Impositions they lay on it.

THE Merchant Adventurers say, that, in the Archduke's Country, there was laid upon a Pack of Cloth in *Anno* 1602, Nine Shillings; and in 1612, there was laid Twelve Shillings upon a Long Cloth, and Eighteen Shillings on a Worsted Cloth and on a coloured Cloth; and though these Rates were laid on the Subjects of those Parts, yet the Merchants there would not buy any Cloths of our Merchants, unless they would abate those Rates, thus raised on them, in the Prices of their Cloths:—That there was a Complaint made by the Merchants there, to our Amba-

(138) Ambassador there, called Mr. *Trombole*; and all the Answer that was returned from the Archduke was, that the Treaty was not well observed on either Side, and that, if our King would, there should be Commissioners to look into it, to redress it on both Sides: but nothing was done in it. They say further, that the best Sort of Cloths are now sold as well as ever they were and better, and they are only the coarser Cloths that are fallen; and this is, because there is great Store of those coarser Cloths made beyond Sea, since the Project of dyeing and dressing.

Mr. *Withers* examined saith, that the Women in the Low Countries were wont to wear Hukes of Cloth from the Top of the Head down to the Sole of their Shoe, both Winter and Summer; but now they wear all the Summer their Hukes made of a Stuff which we call Silk Rask; and this is one Cause that in those Parts there is not now vented so much of our Woollen Cloth as was wont: but he saith, that those Kinds of Silk Rask cannot be made without our combed Wool, which is conveyed from *Canterbury* and other Parts of this Kingdom.

It is alleged, that Mr. *Towerfon* useth (by Virtue of his Office in the Company of Merchant Adventurers, being their Deputy) to give blank Warrants dormant for to ship Kerseys and coloured Cloths, there being expressed in the Warrant neither the Ship's Name nor the Party's Name that is to ship the said Goods that are therein expressed; so as his Name, and the Seal of the Company is set to it, it is a sufficient Warrant to the Officer to ship the same Cloths: and a Foreigner, by this Means, may ship forth Kerseys or coloured Cloths in an *Englishman's* Name, and so deceive the King of his Customs; for he may, under Pretence of this Warrant, pass any of those Cloths as one of that Company, and so not pay double Custom, which all Foreigners should do.

Mr. *Towerfon* saith to this, that it hath been the Custom

Custom always to give the said blank Warrants dormant, and that he giveth a Thousand of them in a Year, or his Son (who keepeth the Company's Seal) doth give them for him; but he subscribeth with his own Hand all such Warrants as are given for white Cloths to any of their own Company: he saith, he hath never above Twopence for such a Warrant, unless sometimes a Gentleman, who ventureth not above five or six Cloths, give him Twelvepence for such a Warrant.

THE Interlopers allege, that these Warrants do cost those who have them granted for their Use Five Shillings apiece, but they know not whether so much come to Mr. *Towerson's* Hands or no.

Friday, April 27.

- L. 1. "An Act for the Confirmation of a Decree, made in the Behalf of two of the *Kiffins* of *Kingston* on the *Thames*, that divers Creditors, who had made an Agreement with them concerning the Payment of their Father's Debts, should stand to the same."
- L. 1. "An Act to enable *Owen Sheppard* and *Christo-<sup>(139)</sup>pher Hayne*, Esquires, to sell Lands in the County of *Norfolk* for to pay Debts."
- L. 2. "An Act for the Confirmation of the Estate of *Thomas Waller*, Gentleman, in the Manor of *Payton Hall*, and other Hereditaments in the County of *Suffolk*."

SIR *Thomas Rowe*, concerning the Decree made in the Behalf of Mr. *Stafford*, for the Manor of *Oldbury* and *Thornbury*, against the Tenants there, saith, that the said Mr. *Stafford*, or some for his Use, ever since the Decree hath had in his Custody the Trunk and Key where all the Evidences and Writings are; so as the Tenants cannot shew their Title to the Customs, and to those Points wherein they desire to be relieved, as having suffered much Wrong.

It

It is ordered, that the Tenants shall see both the Court Rolls, the Accounts, and the Books, and so much of any of the said Writings as concerneth the Customs of the said Manors: and these are to be seen and perused in the Presence of the Usher of the Court, of the Council of both Sides, or of some of the Committee.

“AN ACT for the free buying and selling of *Welsh Butter*.” This is before.

SIR *Samuel Sandes* reporteth, which of the Busineses of this House the Committee thought fit to have Precedency. He saith, that there are fifteen public Bills, whereof six are ready to be engrossed, nine that have been but once read: he saith, that the Committee thought fit, that those public Bills which have been but once read, may have a second Reading every Morning, before any other Matter be debated here, after Eight of the Clock: that the Committee thinks it fit, that all those who are of any Committee for Bills should principally attend that Committee, to despatch the same, and bring in the Bills as soon as they can.

It is decreed, on the Motion of Mr. *Neale* a Merchant of *Dartmouth*, that the Merchant Adventurers Patent, and the Proclamation for the strengthening of it, and their Book of Orders shall be brought into the Committee of Grievances on *Monday*, to be considered both of the Creation and Execution of the same.

A MESSAGE from the Lords to desire that we will sit with the Speaker this Afternoon, as a particular House; for that they have some Business in Hand, wherein they shall have Occasion to send to us.

SIR *Edward Cooke's* Report, that the Petition of the Masters of the Chancery is very scandalous to the principal Judges of the Kingdom, and very false, *viz.* for that they therein allege, that the Judges had certified, touching the Fees in their Privy Seal, both of the Lawfulness and Conveniency of the



the said Fees granted to the Petitioners, which Sir *Edward Cooke* saith the Judges (to whom the Consideration of the Fees was referred) have themselves told him, that they not only did refuse to certify for them, but utterly disliked of the whole Business, and are much grieved that they are so scandalized: and Sir *Edward Cooke* saith, that it was only the now Lord Chancellor that certified therein, and that he did put the Great Seal to this Patent without Warrant, as he is informed; which Thing Mr. *Ravenscroft* confirmeth:—that the Lord Chancellor had (as the Masters of Chancery confess) Twelve Hundred Pounds of them for the procuring of this Patent for their Fees, viz. One Hundred and Fifty Pounds of eight of the said Masters.

MR. *Mallet* desireth, that there may be some Example made of it; and that the Scandal laid on the Judges may not be passed over without Punishment; for such like Scandals lie not only in the Persons, but in the Seat of Justice, which will bring all to Confusion, if that the Seat have not its due Reverence and Esteem.

Mr. *Alford* saith, that we have had many Complaints of this Corruption and Bribery in Judges and other Ministers of Justice, and moveth, that therefore there may be some Law made against Bribery.

SIR *Edward Cooke*. That the Lord Chancellor (who walketh by no Rule) can justly make no Deputy, and the Masters of the Chancery are only to report of Matters of Account, and such like Businesses which have only used to be referred to them, but never to enter into the Merits of a Cause: he will not speak against the Lord Chancellor now a Cloud hangs over him, neither will he speak of the Danger of the Law against such as do put the Great Seal without Warrant; but would have the Procurement of that Privy Seal to be duly considered of.

It is by Question adjudged, that the Privy Seal, for the Fees given to the Masters of the Chancery,

is a Grievance both in the Creation and in the Execution.

MR. *Ravenscroft* saith, that he thinketh that the Patent is enrolled without any Warrant under the Seal.

It is ordered, that Mr. *Ravenscroft*, Mr. *Mallet*, and Mr. *Hackwell* shall presently go search, which of the Clerks did enrol the said Patent or Privy Seal, and by what Warrant it was done.

It is ordered, at the Motion of Sir *Robert Phillips*, that all the Masters of the Chancery shall come into this House, and here acknowledge the Wrong they have done to the Judges in their Petition which they preferred to this House, wherein they alleged, that the Judges did certify both of the Conveniency and Lawfulness of the granting of that Privy Seal for their Fee.

(140) SIR *Samuel Sandes* saith, that God did punish the Tempter more heavily than the Offender: he said to the Serpent for tempting the Woman, he should ever walk on his Belly and feed on the Dust of the Earth, and that the Woman who tempted the Man should be ever subject to her Husband's Will, which is the heaviest Punishment that could be to a Woman's Nature. The Masters of the Chancery tempted the Lord Chancellor to do this unjust Action: let us stop the Fountain, and the Streams will soon grow dry. He desireth, that we will examine the Truth of the giving of this Bribe to the Lord Chancellor; and, on the full Examination of the same, that we would present it as a Grievance to the Lords.

It is hereon ordered, that this Business concerning the Masters of the Chancery giving a Bribe shall be examined forthwith; and, after the Truth of the same hath been found out, that it shall be presented to the Lords.

MR. *Weston* desireth, that, in the Bill against Bribery, it may be considered of Bribery of Affection

as

as well as Bribery with Money, and that there may therein likewise some Order be taken against sending of Letters from great Men and others to such as are in Places of Judicature.

It is ordered, that a Committee shall draw the said Bill against Bribery.

SIR *Thomas German* desireth there may be some Law, that Lawyers, in their pleading and arguing at the Bar, may not be permitted to fall from the Matter, and to scandalize the Parties of either Side; for, by such their lavish Discourse, they spare not to traduce the most worthy Gentlemen sometimes.

MR. *Alford* desireth, that there may be a Law, or some Course to remedy those who are falsely charged on Record, for Forgery, Perjury, and the like.

SIR *Edward Mosely*, the Attorney of the Dutchy, moveth, that Judges may not be permitted to have their Favourites and their Sons to plead so ordinarily before them, for the Judges' Affection to such Advocates oftentimes swayeth more with the Judges, than the solideft Reason of the Lawyers of the adverse Party.

It is ordered, that Sir *Thomas German's*, Mr. *Alford's*, and Mr. *Weston's* Motions shall be considered of by the Committee to draw a Bill against Bribery, and the same Committee is likewise to draw a Bill against the excessive Fees taken nowadays by Lawyers; and that no Lawyer shall take Fees in one Cause of both Sides in one Term.

*Friday, April 27.*

It is alleged, that there is a Patent granted 17 *Jac.* to Dr. *Egleston*, a Doctor of Physic, and Thirty other Patentees, for the sole beating of Gold, or making of Gold Folia.

THE Petitioners against the Patent say, that those who are of this Company by their Patent are to have a Master, Six Wardens, one Clerk, and the rest

rest of the Commons of that Company are not to exceed the Number of Thirty:—That they who work in this Company are first to take an Oath, and to be bound to observe the Orders of the Company:—There is none can buy any Gold Folia, but of some of this Company:—They pay Rent Twenty-seven Shillings to the King, and Seven Pounds *per Annum* for Custom of all the Bullion they shall cause to be imported:—That there is, in their Patent, a Prohibition, that none should import Gold Folia but they.

Dr. *Egleston* examined saith, that himself preferred the Petition to the King, who referred the Consideration of it to Sir *Henry Felverton* and Sir *Thomas Coventry*, then his Majesty's Attorney and Sollicitor; and that Mr. *Dyett* drew the Petition.

Mr. Secretary saith, that he thinketh Mr. Attorney and Mr. Sollicitor made Two several and different Certificates therein; for that they did not agree on the Certificate; and he believeth, that Sir *Henry Felverton* hath both the Reference and the Certificate in this Business.

*William Spencer* examined saith, that Sir *Henry Brittan* threatened to lay him by the Heels, unless he would go into the *Low Countries*, to discover the Transportation of Gold by the *Dutchmen*.

It is alleged by the Petitioners, that there is spent by these Patentees Three or Four Thousand Pounds *per Annum* of the Bullion of this Kingdom, to make Gold Folia:—That since this Patent Gold Folia is raised; and that the Gold Folia which the Cutlers use is raised from Twelve Shillings to Fifteen Shillings; and the Silver Folia from Twenty Shillings to Thirty Shillings:—That the Gold Folia which the Painters use is come from Eighteen Shillings to Twenty-one Shillings, and the Silver from Seven Shillings and Sixpence to Eleven Shillings; and also the Patentees threaten, that, if they find Fault either with the Goodness of this Folia, or with the Price



of it, they shall have worse, and pay dearer for it :—That Dr. *Egleston* hath Two Hundred Pounds *per Annum*, out of the Profit of this Patent, and Sir *Henry Brittan* Fifty Pounds *per Annum* :—That the Patentees laid Actions of Two Thousand Pounds on one *William Spencer*, and thereon imprisoned; and this was only out of Malice, because he made better Gold and Silver Folia than the Patentees did :—That, after the poor Man suffered much, and they had taken from him all his Tools and Instruments, so that he could not work, they released him on Condition that he should come and work with the Patentees; and that, by that Time he was released, he was so poor, that he was never after able to buy any more Tools.

Dr. *Egleston* examined saith, that he hath out of this Patent only Three Pounds a Week allowed him.

*William Thruſton*, a Painter, examined saith, that <sup>(141)</sup> he payeth now Twenty-one Shillings for that Folia, which, before the Patent was granted, he was wont to give but Eighteen Shillings, albeit the Size of it be rather less now than it was before.

One *Burkett*, a Painter, confirmeth what *Thruſton* saith.

A BOOKBINDER examined saith, that, before the Patent, he paid but Eight Shillings for Gold Folia, and now payeth for the same Quantity Nine Shillings.

ALL the Rates before mentioned are proved by several Witnesses to be raised in the same Manner as is alleged.

A PATENTEE examined saith, that this Trade is above Four Hundred Years old :—That the Standard of Gold is raised from Fifty-five Shillings to Three Pounds Five Shillings, and that this is one Cause of the raising the Prices of the said Gold; and a Reason why it was so cheap heretofore was, that every one then might work and mix what he list with the

said

saïd Gold Folia, and so making it worse might well sell it cheaper.

THE Council of the saïd *William Spencer* saith, that this *Spencer*, for Reward of the Service he did in the Businets against the *Dutchmen*, in finding forth their Transportation of Gold, was made one of the Six Wardens of this Company of Goldbeaters; but, after that he made better Gold Folia than any of the Patentees, the Master and other Five Wardens sent their Warrant to the Constable to search in the saïd *Spencer's* House, and there to seize all his Gold and Silver Folia, and also all his Tools and Instruments; which the Constable (being accompanied with the saïd Master and Five Wardens) did accordingly. This is confessed by the saïd Constable; who saith further, that the saïd Officers, having procured a Warrant to bring the saïd Mr. *Spencer* before Mr. Recorder *Heath*, who had expressed that it should be free for the saïd *Spencer* to go and come free to the saïd Recorder, whose Prisoner he was; and that yet (notwithstanding the Clause in the saïd Warrant) some of the Wardens did arrest the saïd *Spencer* (as the saïd Constable was having him before the Recorder, by Virtue of his Warrant) on an Action of Three Thousand Six Hundred Pounds Debt; and albeit the Constables told the Serjeants, and shewed them and the saïd Wardens the Recorder's saïd Warrant, yet the saïd Wardens, tearing the Recorder's Warrant, carried the saïd *Spencer* to Prison, where he lay Six or Eight Weeks. This is also confirmed by Mr. *Spencer* in every Particular.

THERE is a Clause in the Patent to seize such Men's Goods and Tools as should be found in the Hands of any Workmen that were not of this Company, and to seize the same.

SIR *Samuel Sandes* saith, that the King may make a Patent for any Corporation, and albeit the King's Attorney do enlarge it too far, yet is the Creation of the Patent lawful for the King to grant; and

of it, they shall have worse, and pay dearer for it :—That Dr. *Egleston* hath Two Hundred Pounds *per Annum*, out of the Profit of this Patent, and Sir *Henry Brittan* Fifty Pounds *per Annum* :—That the Patentees laid Actions of Two Thousand Pounds on one *William Spencer*, and thereon imprisoned; and this was only out of Malice, because he made better Gold and Silver Folia than the Patentees did :—That, after the poor Man suffered much, and they had taken from him all his Tools and Instruments, so that he could not work, they released him on Condition that he should come and work with the Patentees; and that, by that Time he was released, he was so poor, that he was never after able to buy any more Tools.

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THE Council of the said *William Spencer* saith, that this *Spencer*, for Reward of the Service he did in the Businets against the *Dutchmen*, in finding forth their Transportation of Gold, was made one of the Six Wardens of this Company of Goldbeaters; but, after that he made better Gold Folia than any of the Patentees, the Master and other Five Wardens sent their Warrant to the Constable to search in the said *Spencer's* House, and there to seize all his Gold and Silver Folia, and also all his Tools and Instruments; which the Constable (being accompanied with the said Master and Five Wardens) did accordingly. This is confessed by the said Constable; who saith further, that the said Officers, having procured a Warrant to bring the said Mr. *Spencer* before Mr. Recorder *Heath*, who had expressed that it should be free for the said *Spencer* to go and come free to the said Recorder, whose Prisoner he was; and that yet (notwithstanding the Clause in the said Warrant) some of the Wardens did arrest the said *Spencer* (as the said Constable was having him before the Recorder, by Virtue of his Warrant) on an Action of Three Thousand Six Hundred Pounds Debt; and albeit the Constables told the Serjeants, and shewed them and the said Wardens the Recorder's said Warrant, yet the said Wardens, tearing the Recorder's Warrant, carried the said *Spencer* to Prison, where he lay Six or Eight Weeks. This is also confirmed by Mr. *Spencer* in every Particular.

THERE is a Clause in the Patent to seize such Men's Goods and Tools as should be found in the Hands of any Workmen that were not of this Company, and to seize the same.

SIR *Samuel Sandes* saith, that the King may make a Patent for any Corporation, and albeit the King's Attorney do enlarge it too far, yet is the Creation of the Patent lawful for the King to grant; and



therefore he desireth, that the Question may be put severally; first, for the Execution of the Patent, and then for the Creation of it.

It is, by the Committee of the whole House, on the Question adjudged, that the Patent of Gold-beaters is a Grievance both in the Creation and Execution.

SIR *William Pope's* Council saith, that Sir *William Pope* desireth to be remedied against a Decree made against him in the Chancery; for that the Cause, on which the Decree was made, is proper for an Action on the Case at the Common Law; for that the Nature of the Promise, which is alleged to be made by him to Sir *George Marshall*, is not to be relieved in a Court of Equity, it being for an Honour or Dignity; for that also he received this Honour in 1 *Jac.* being Sixteen Years before the Suit began; for that likewise their Difference was awarded long before the Suit began, and therefore it ought not to be sued in the Chancery.

MR. *Holt*, of Council for Sir *George Marshall*, saith, that this Cause is not subject to the Common Law, for that the Contract is not subject to Proof there; because the Performance of the Promise consists on the Testimony of the King, and the King is not to testify in any Business:—That this Contract was not to give him Honour (for that lay not in Sir *George Marshall's* Power to do) but for Labour and Pains to procure him this Honour of Knight of the *Bath*, which only the King granteth. For the Delay, it was in Respect of the Affinity between the Two Parties, they having married Two Sisters; and Sir *George Marshall*, in Respect thereof, forbore to sue Sir *William Pope*, thinking he would at length pay him: and the Forbearance of it so long makes it more reasonable and just, that it should be paid at last, it being delayed only for the said *Pope's* Good. As for the Award made, this Business was never sub-

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ject to it, but the Award was for other Differences between the Two Parties.

A MESSAGE from the Lords to acquaint us, that they have for some special Reasons put off the sentencing of Sir *Francis Michell*, which they purposed to have done this Afternoon; and that was the Cause they desired this House to sit: That they are sorry they have staid us here so long, and desire us to accept of this their reasonable Excuse.

(142) SIR *William Pope*'s Council insisteth, that, when a Defendant denieth, on his Oath, a Promise alleged to be made, then ought the other Side to make direct Proof of the Promise; and Sir *William Pope*, on his Answer in the Chancery, denieth on his Oath, that ever he made any Promise to the said Sir *George Marshall* of any Sum to procure him to be made a Knight of the *Bath*.

THE Earl of *Suffolk* deposed in the Chancery, on his Oath, that he, being one of the Commissioners for the nominating of Gentlemen fit to be made Knights of the *Bath* at his Majesty's Coronation, did, at the Entreaty or the now Lady *Pope*, Wife to Sir *William Pope*, nominate him the said Sir *William Pope* to be one of the said Knights of the *Bath*; and saith that he knoweth the said Lady *Pope* did also solicit other of the Commissioners in the Behalf of her Husband for that Business.

THERE is read a Copy of a Letter written by the King to the now Lord Chancellor, certifying, that his Majesty did, at the Petition of the said Sir *George Marshall*, make the said Sir *William Pope*, and Sir *Arthur Hopton*, his Brothers in Law, both Knights of the *Bath*. The Copy of this Letter is allowed to be true by the Council of Sir *William Pope*.

SIR *George Marshall* examined saith, that the Arbitrement, which was referred to the Lord *Chandos* and the Earl of *Westmorland*, was only for the ending of some Differences of Words which had passed between him and the said Sir *William Pope*, and not

concerning the Promise made by Sir *William Pope* to him.

MR. *Christopher Brooke*, a Member of this House, saith, that he hath known divers Suits brought in the Chancery, on Promise of Money to be given one to procure a Woman to be another's Wife, but he never knew that the Complainant in such a Case had any Remedy, albeit he hath extolled his Labour and Pains to procure the same; and the Reason is, because the Contract was to procure Affection, which cannot be valued; and he thinketh this Case is like unto it. He wisheth that it were taken off the File; for he feareth it will be a Precedent to make Honour sold, as it is in *France*, where Baronies are sold, and passed with the Land.

SIR *George Moore* wisheth, that this Cause were taken off the File; but he is of Opinion, that Sir *George Marshall* was the Cause of the King's bestowing of that Honour on the said Sir *William Pope*.

SIR *Robert Phillips* would not have it remain on Record to Posterity, that Honour hath been sold, and the Money recovered by Law. He desireth, that we may not introduce such Customs as to have the King's Letters interposed as a Testimony to sway any Cause; for the King doth not always observe or remember the particular Causes of the granting the same.

SIR *Francis Seymour* saith, that they are unworthy of Honour that do buy; and they are as worthless, who make Contracts to procure it.

MR. Chancellor of the Dutchy saith, that there was never such a Thing seen in *Israel* as this Decree is; for though there be such Bargains made both for Knights and for Baronies, yea, even for Bishopricks, yet this is in Darknes; and therefore he wisheth us to commend this to the Lords (to whom Honour properly belongeth) to consider, whether this Decree shall stand on the File for a Record or no.

SIR

SIR *Samuel Sandes* saith, that he conceiveth that this Business was brought hither as a Grievance in Point of Justice against the Decree, and for that Point we are to judge of the Cause, and not of the unfitness of the Decree: And another Reason why this Business was brought hither was, because it would be an Infamy for this Kingdom to permit such a Cause to be of Record; and therefore wisheth we did consider of this last Point.

MR. *Sherfield* saith, that this Cause doth properly belong to the Common Law, and not to the Chancery, it being on a Matter of Contract; and therefore he taketh the Decree to be made as *Coram non Judice*; for, if a Man bring a Cause concerning the Crown into the King's Bench or Common Pleas, a Judgment made in either of those Courts thereon is void, for it is made as *Coram non Judice*; for it should have been brought in the Exchequer, which is the proper Court for Trials concerning the Crown. He wisheth we should declare our Opinions, that this Decree is unfit to remain on Record.

SIR *John Strangeways*. That he thinketh, a Man may as well buy Honour of the King as Mercy; and that it is a judged Case, that Money hath been recovered on a Promise made to procure the King's Pardon. And in *Richard I.* Time, when he went to the *Holy Land*, it was proclaimed, that they who would buy any Honour or Dignity might; and then the Bishop of *Durham* purchased the Honour of Earl of *Durham*, to him and his Successors for ever; and thereon also it was made a County Palatine.

MR. *Pawlett* saith, if ever he had meddled with this Kind of Merchandise, and not paid for it, he should now fear to be called in question for it. He is sorry that any Gentleman should be of Opinion that Honour may be sold, for he thinketh it no Honour, which is bought for Money; and he saith, peradventure he fareth accordingly. He wisheth, we should



should take some Course to commend this Business to the Lords, as a Grievance.

SIR *Dudley Digs*. That he wisheth, that the Custom of buying of Honour should not make it lawful; and is sorry, that *Consuetudo peccandi tollit sensum peccati*. He would have this Business commended to the Lords, as a great Grievance.

SIR *Edward Cooke* saith, that the Statute of 15 H. 6. makes this Decree to be void, as being made *Coram non Judice*; for this should have been brought by Action at the Common Law. He thinketh it fit that we should declare our Opinions, that this Decree is a Grievance.

IT is declared by Question, to be the Opinion of the Committee, that this Decree made in the Chancery is a Grievance in itself, and that it is fit to be presented to the Lords as a Grievance.

*Saturday, April 28.*

L. 1. "AN\* Act against shooting in any Guns or Pieces."

By this [ . . . . . ]

L. 1. "AN Act for the naturalizing of *Abraham Hull*, Gentleman, born at *Ghent* in *Flanders*."

L. 1. "AN Act touching several Court Leets and Court Barons, to be kept within the Barony, Manor and Fee of *Malpas*, in the County of *Chester*." [Cast away.]

MR. *Pymme* saith, that the King may (if it please him) grant these Courts, and doth ordinarily grant the like; and therefore he would have this Bill rejected, for that it is not good to have that done by an extraordinary Means, which may be done by an ordinary Course from his Majesty.

MR. *Noye* saith, that there is no Cause mentioned in the Bill, why these Courts should be granted; and that which is to be granted is in the King's Power to grant, without an Act of Parliament.

\* This Bill was much opposed.

MR.

(143) THIS Bill is rejected, and Sir *William Brereton* is not suffered to speak in Defence of it, because it is against the Course of Parliament to speak for a Bill at the first Reading.

“An Act against scandalous or unworthy Ministers or Parsons.”

L. 11

By this Power is given to remove such as are scandalous and unworthy Ministers, as common Drunkards, common Breakers of the Peace, &c. and if he be convicted of Adultery or Forgery, on the first lawful Conviction, the Patron may present another in that Minister's Place, as if that Minister had been dead.

“An Act for Impropriations belonging to Bishopricks, Colleges, and Cathedral Churches to be let Vicars incumbent.”

By this all Leases of such Impropriations shall be let, after such Leases are expired, only to the Vicars, who are to pay for it two Years old Rent for the first Entry, and three Years old Rent at the End of the next seven Years.

“An Act for the free Liberty of Trade into all Countries.”

L. 2.

By this all Men who are not of any handicraft Trade may freely trade or traffick into all Parts beyond the Seas; and that any Customer or Officer who shall refuse to take Custom of any Goods, either exported or imported, shall forfeit his Place, pay the Value of the Goods stayed by such Means, and incur other Penalties.

MR. *Salter* saith, he liketh this Bill, but he thinketh that this Bill doth take away from the King's Power to make Corporations, and also by it all Merchandises may be imported; and yet we have another Bill, whereby we make it unlawful to import Tobacco,

Tobacco, which we labour to banish; but, if this pass, all Men may bring it in.

MR. *Alford* saith, that, by the Prohibition and restraining of Trade to certain Companies, both the Trade and the Shipping of this Kingdom, which is the Walls of this Kingdom, is decayed: he desireth to know of those, who most labour to maintain and defend the Conveniency of Companies, how the Kingdom shall be defended, if the Companies continue long, and restrain all trading to *London*.

MR. *Neale* saith, that *Englishmen* may trade more freely any where than here, paying Strangers Custom:—that those who are of no Companies may not be allowed to bring Home for their Fish (which they vent beyond Sea) any other Commodities:—that those of the Out Ports cannot be permitted to bring into this Kingdom Hemp to make Cordage, but they are forced to fetch all their Hemp and Cordage from *London*.

THIS Bill concerning free Trade is committed<sup>(144)</sup> to a Committee of the whole House; and it is ordered, that every one who shall speak at the Committee, touching this Bill, shall first make his Protestation, whether he be of any Company, or no.

MR. *Alford* saith, that, though this Bill concerns every one of this House in particular, yet it principally concerneth the whole Commonwealth; and those who are of any Company are not interested only, or more for the Good of their Company, than for the Liberty and Good of the Commonwealth.

MR. *Bateman*, a Merchant Adventurer, saith, that he shall not be against the Body of the Bill, but shall be (as he is an *Englishman*) for the Good of the Commonwealth.

SIR *Henry Poole* saith, that, in a private Cause, they who are interested are to withdraw themselves out of the House; but it is not so when the Cause is public, as this is.

SIR *Robert Phillips* saith, that an ordinary Restraint

straint and Act of the State to erect the Company of Merchant Adventurers is to be no longer preserved, than the Reason of that Restraint continueth: he thinketh, that those who are of any Company or Corporation ought by Right to have Voices at the Committee; for they come hither for the common Good, and we are not without some good Cause to think otherwise of them.

It is agreed on, after long Debate, that neither those who are of any Company or Corporation, nor any other shall be excluded from having Voices at the Committee.

“AN Act for making of the Estates of attainted  
“Persons liable to the Payment of their just and due  
“Debts.”

By this those who are the Creditors of any attainted Person shall sue for their Debt by *English* Bill in the Exchequer; and a Decree of that Court, under the Seal of that Court, shall be a Warrant for the Officers of the Treasury to pay the same Debt. \*

MR. *Bowes* desireth, that those who are of the County *Palatine* of *Durham*, may be inserted to have the Benefit of this Bill, as well as any others of this Kingdom; for, that being a County *Palatine*, the Prerogative or Royalties of all Escheats by Attainder, or Forfeiture, or the like of any Thing or Person in that County, is in the Bishop of that Place; and therefore he believeth, that that County is not within the Extent of the King's Favour expressed in this Bill.

SERJEANT *Davies* saith, that the Judges of *Serjeant's Inn* in *Chancery Lane* did desire him to signify to this House, that every one of them particularly (who were with the Lord Chancellor about the Privy Seal for the Masters of the Chancery's Fees) delivered their Opinions, that it was absolutely a-

\* Passed our House at the third Reading.



gainst the Law for the Masters of the Chancery to have the said Fees therein expressed; and they say, that, when the Lord Chancellor had heard them severally deliver their Opinions against the same, he said to them, as they were rising to go away, that he had heard their Opinions, and did reverence the same, but yet they should give him Leave to do in his Court as he thought fit.

SERJEANT *Towse* said as much from the Judges of *Serjeant's Inn* in *Fleet Street*.

SIR *Edwin Sandys* saith, that the Masters of the Chancery did say in their Petition to this House, that it was the Opinion of all the Judges, that the Masters of Chancery should have competent Fees; and, since both the Parties offending and the Parties offended are all of them of the upper House, he wisheth, that we should send to acquaint the Lords with it, and desire that, since the Fault was done here, that we might give Sentence in it.

SIR *Samuel Sandes* saith, that he thinketh it fit, if on Debate and Examination we find the Masters of the Chancery to be worthy of Punishment, that then they should acknowledge their Faults openly in every Court, as the Judges sit at the Bench.

SIR *William Stroude* saith, that he doubteth, whether in the Petition there be so much Cause to punish or censure the Masters of the Chancery, as the House conceiveth there is.

It is ordered, that the Committees appointed for the Examination of this Business of the Masters of the Chancery shall presently consider of that Business, and report the same to the House forthwith.

SIR *Francis Seymour* saith, that one *Michael Chambers*, a common Informer, told one *Richard Keeling*, that he would have out a Superfedeas against Sir *Edward Francis*, notwithstanding he is a Member of this House, and that he cared not a Fart for the Parliament. Sir *Francis Seymour* delivered a Note of these Words, under *Keeling's* Hand, who offereth to

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testify the same against the said *Chambers*, to this House.

It is ordered, that the Serjeant shall send presently to seek forth both *Keeling* and *Chambers*, and shall bring them both hither to this House.

THIS *Chambers* is a Messenger of the Exchequer Court, waiting on the Lord Treasurer.

(145) SIR *Arthur Ingram* reporteth from the Committee sent to the Fleet, for the examining of the Complaints of the Prisoners there against the Warden of the Fleet. He saith, that such poor Prisoners of the Fleet, that would not give the Warden there what Fees and Money he demanded, were by him ordinarily committed to close Prison, Irons put on them, and sometimes taken out of their Beds in the Night, and put into Rooms where they they were forced to lie in their Shirts only on the bare Ground, to the Overthrow of their Health:—That Sir *John Whitbrooke* by ill Usage, being laid in an ill and unwholesome Lodging with Irons, fell into a Fever, and could not be released till he had petitioned the Lords of the Council; and that shortly after the Warden, again taking some Discontent against Sir *John Whitbrooke*, lodged him with one Mr. *Boulton*, albeit he knew the irreconcilable Malice and Differences that were between the said Sir *John Whitbrooke* and Mr. *Boulton*; and that thereon shortly after Sir *John Whitbrooke* was wounded by Mr. *Boulton* in two or three Places, whereof the said Sir *John Whitbrooke* died, and on his Death-Bed said, that the said Warden was the Cause of his Death:—That, when Sir *John Whitbrooke* was to be buried, his Lady sent Escutcheons to be put on his Coffin; but the Warden would not permit them to be put on, whilst he was in the Fleet, so that they were glad, when they had the Corpse forth, to stay in the Street to put the Escutcheons on his Coffin:—That the Prisoners of the Fleet have usually, by being often removed by the Warden forth of one Lodging into another,

another, lost their Monies and Clothes:—That the Warden, on the other Side (for such as would give him his unreasonable Demands) hath procured *Habeas Corpus* on false Pretences, and by Colour thereof hath permitted such Prisoners to go whither they would, at their Pleasure.

Mr. *Hackwell* reporteth from the Committee for examining the Business concerning the Masters of the Chancery. He saith, as for the Enrolment of the Privy Seal for their Fees, that the said Privy Seal is contrary to the ordinary Nature of Privy Seals, for it is directed to the Lord Chancellor and the Master of the Rolls, and it is not to command Letters Patent to be drawn, but to do this and this, and on the Back of this Privy Seal the Lord Chancellor hath written, *Irrotuletur*:—That in the Enrolment it is set down, *These our Letters Patent*, and under the Enrolment is subscribed as if it were a Letters Patent, *Per breve de privato Sigillo*:—That there is an Exemplification of this, wherein it is *Inspeximus quoddam Irrotulamentum literarum patentium*, as if it had been a Letters Patent indeed:—That one *Lionel Robinson*, Clerk to Mr. *Mostains* of Mr. *Sander-son's* Office, did write the Exemplification:—That this *Robinson*, being demanded how he durst write *literarum patentium*, when it was but a Privy Seal, answered, that he never did write any Exemplification before, and that his Pen led him to write *literarum patentium*, because it was so in all other Exemplifications.

*MICHAEL CHAMBERS* an Informer, being called to the Bar on his Knee, there denieth with damnable Oaths, that he ever said any such Words as Sir *Francis Seymour* did before allege, and whereof Sir *Francis* did deliver to the House a Note under *Keeling's* own Hand.

Mr. *Fanshawe* saith, that the Credit of *Chambers* and *Keeling* is equal, they being both Informers; for  
*Keeling*

*Keeling* followeth Business (as he hath heard) for Papists, and *Chambers* informeth against Papists.

SIR *Dudley Digs* saith, that *Keeling* having been examined in another Business before a Committee of this House whereat he was present, *Keeling* there said that one Day, which the next Day he would have denied; but that he, having taken his former Words, did read them to him; and then he remembered them, and confessed he had said them. This Business is deferred to be heard till *Monday* Morning next.

It is ordered by Question, that every *Saturday* in the Afternoon the Speaker and the whole House shall sit for reading of private Bills the second Time.

It is ordered, that the Business of the Fleet shall be first heard on *Monday* Morning.

*Monday, April 30.*

“AN Act for the reversing of a Decree made in the Chancery, in a Suit between Sir Rowland Egerton and Mr. Ed. Egerton.”

“AN Act to establish two Judges Assistants in the Chancery, and to lessen the Charges of Suits in that Court.” L. 1.

By this there shall be four Judges, viz. the Lord Chancellor or Lord Keeper, the Master of the Rolls, and two other Judges of the Coif, and all to have equal Power and Voices; and, if these Judges be at any Time equally divided, then the two Chief Justices and the Chief Baron to be called, and to have like free Voices in such Cases:—That all Justices of Peace shall be made by all of them indifferently:—That these two Judges of the Coif who are to be added shall have Five Hundred Marks a Year out of the Subpæna Office, and out of the Profits of the Seal:—That the Six Clerks shall have but Sixpence the



the Sheet, whereas they have now Eight Pence the Sheet; and the Examiner but Eight Pence a Sheet, whereas he hath now Twelvepence a Sheet; and that they take no more, on Pain of Forfeiture of their Office. There is an Oath expressed in this Act, to be administered to the Judges:—That no Decree shall be good, but such as is made by the Consent of all Four of these Judges, and that such Decree shall be final, except where new Matter is alleged:—That all Businesses shall be referred to these new Judges of the Coif, as now they are to the Masters of the Chancery:—That these Judges shall have Ten Shillings for every Day of Hearing set down, and Three Shillings and Fourpence for their Clerk; whereas there is now Forty Shillings paid for every Day of Hearing that is set down. This Bill was preferred by Mr. *Stroude* of the Middle Temple.

“ AN Act for the better preventing of the wrong  
“ Imprisonment of his Majesty’s Subjects, and De-  
“ privation of their Trade or Occupation, contrary  
“ to the Twenty-ninth Chapter of *Magna Charta*.”

By this, if any one shall (contrary to the Twenty-ninth Chapter of *Magna Charta*) wrongfully imprison any Subject, he shall forfeit Ten Times the Value of the Damage which shall come to the Party so wrongfully imprisoned: That the true Cause of the Commitment of any Person shall be expressed in the Mittimus, except where the Commitment is done in open Court.

“ AN Act for the avoiding the great Charge in  
“ Cities and Towns Corporate, for the Relief of  
“ poor People.”

By this, that no Person who hath not Forty Shillings *per Annum*, or Five Pounds Goods, shall be returned to the Parish or Place where he was born or did last abide by the Space of one Year.

“ AN Act against secret Offices and Inquisitions to  
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“ be taken on his Majesty’s Behalf, to the Prejudice  
“ of his Majesty’s Subjects.”

SIR *George Moore* moveth, that Notice should be given at the House or Place of Abode of the Party whom such Writ or Commission doth concern; and that, instead of the Penalty of Forty Pounds, which is expressed in the Act, he would have it enacted, the Office or Inquisition so found, without such Notice, should be void.

SIR *Edward Cooke* moveth, that Notice may be given in Writing to the Wife of the Party, or to some other Person of the House where the Party liveth. He would have a greater Penalty, but not that the Office so found should be void.

MR. *Fetherstone* moveth, that the County Palatine of *Durham* may be inserted into this Bill.

SIR *Richard Grosvenor* moveth, that the County Palatine of *Chester* may likewise have the Benefit of this Bill.

“ AN Act to prohibit the Transportation of Wool, L. 1.  
“ Woolfel, Yarn made of the Wool of this King-  
“ dom, or Fuller’s Earth out of any of his Majesty’s  
“ Dominions into foreign Parts.”

MR. *Neale* moveth, that there may be added to this Bill, that it may be likewise Felony to transport any Sheep into any foreign Kingdom; for, by transporting of our Kind of Sheep into *Ireland*, the Wool there is much bettered and refined.

SIR *Edwin Sandys* saith, that it is unlawful and unproportionable, that the Penalty should be the losing of Life and Goods; for we should not take away the Life of a Man but for that which is *malum in se*; but this Fault is not so, for it is but *malum in rempublicam*, and not *malum in se*, it being in no Part of God’s Law forbidden to buy and sell, and to make the most of his own Goods.

SIR Edward Cooke saith, that whatsoever is lawful by the Common Law is not *malum in se*, for *malum in se* is that which is naturally evil, and *malum prohibitum* is that which is forbidden by the Acts of this Kingdom. He desireth; because it is a new Law, and in a new Case to take away Man's Life, [and therefore he would,] that there should be two Witnesses to prove the Transportation; but he seeth no Reason; but that it should be as well Felony to send over Wool, &c. to the Prejudice of the whole Kingdom, as to steal a Sheep; to the Damage of particular Persons.

THE Master of the Wards moveth, that there might be a Bill against the Transportation of Ordnance; and also that we should send to the Lords to join with us to beseech his Majesty to promise to both Houses, that he will give no License to transport any Ordnance; for such a Promise from his Majesty to his Court of Parliament will be a good Answer to any foreign Prince that shall desire to have any Ordnance out of this Kingdom.

MR. Secretary would have a Bill, that no Pieces of Ordnance should be transported, unless it were so thought fit by his Majesty, and all his Privy Council; but would not have his Majesty's Hands tied.

It is ordered according to the Master of the Wards' Motion.

CONCERNING the Complaints made by the Prisoners of the Fleet, against Harris, Warden of the same.

[*Vid. plus, fol. 144 and 145.*]

It is reported from the Committee appointed to examine the Truth of the said Complaints, that the Prisoners have many of them been robbed in the Night, by the Warden and his Servants:—That the Warden will not permit any Prisoner to have any Provision of Beer or other Victuals brought to them for their Relief.

THERE is alleged, that the Warden, having been made acquainted with certain scandalous Speeches  
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used by one *Floid*, a Prisoner in the *Fleet*, against the Palsgrave and his Lady, did not acquaint the Lords of the Council, or other, with them, whereby to have had the said *Floid* punished, but concealed the same.

THERE is delivered into the House a Paper or Note of the said scandalous Speeches, used against the Palsgrave, and the Lady *Elizabeth*; in which it is set down, that one *Ed. Floid*, a Gentleman and Prisoner in the *Fleet*, talking with Dr. *Pennington* concerning the Loss of *Prague*, did say, in a scornful and malicious Manner, that *Goodman and Goodwife Palsgrave were now turned out of Doors*, or to that Purpose; with other disgraceful Speeches, as that he, the said *Floid*, had as much Right to the Kingdom of *Bobemia* as the Palsgrave had.

This is testified by one *Willis* to be spoken by the said *Ed. Floid*, a Papist.

SIR *Edwin Sandys* saith, that we will not meddle with the Words that were spoken of the Palsgrave's Right to the Kingdom of *Bobemia*; but only with the scandalous Speeches and disgraceful Words used by *Floid* against the Person of the Palsgrave and his Lady.

It is against the Course of Parliament for the Speaker to open a Bill which is delivered him from the Committee, when the same hath been by the Committee amended; but the Speaker, after the Clerk hath read the Amendments Three Times over openly in the House, is then only to put it to the Question for the engrossing.

“ AN † Act against levying of Fines, suffering of Recoveries, or acknowledging of Statutes, &c. in other Men's Names.” [Vid. fol. 191.

THE Committee had altered, that such Fine so levied, Recovery so suffered, Statute in such Manner

† [Passed our House.]



acknowledged, &c. should be void; and, for the Punishment, they thought it fit to be left to the Discretion of the Judges.

MR. Recorder. That, if such Fines, &c. though unduly procured, should be void, the Remedy would be worse than the Disease:—That there was one *Newman*, a Barrister of the *Inner Temple*, who came with a Woman to a Judge to levy a Fine of certain Lands, as though she had been his Wife, and brought with them some who came with a *Cognovi partes*; and this not being the said *Newman's* Wife, but only a Plot to cozen a third Person, a Bill was exhibited by the Party wronged in the Chancery for Relief, and to make void the Fine: but the Fine could not be avoided; for, if it had, it had opened a Door to infinite Inconveniences. And therefore he doth not like that by this Bill it should be enacted, that the Fine, &c. should be void.

THE Master of the Wards delivereth a Message from the King, that his Majesty hath had Notice of the Information made in this House concerning divers Abuses and Grievances in *Ireland*:—That the King saith, he will not impeach the Privileges of this House, and, though he be accountable to none but to God, yet he will let this House understand what Care he hath had to redress the Complaints of *Ireland*:—His Majesty said, that there were with him divers Officers of *Ireland* not long since, who complained of divers Grievances there, as of a Grant to Sir *Thomas Roper* concerning Alehouse-keepers; another to him of the registering of all Christenings and Burials: a Grant of all the Fines and Penalty of such as should plough by tying of their Horses by the Tail: a Grant of the registering of all the Horses that come from thence: a Patent for the sole making of *Aqua Vitæ*. The King sent to this House a Note in Writing of these and other Complaints made to him concerning *Ireland*, and his

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(147) gracious Answer to them in every Particular; and that his Majesty did invite all such as came out of *Ireland* to inform him of any others, if there should be any. He saith, that the King commanded him to signify to this House, that his Majesty did receive Information of certain Abuses done in that Kingdom by Means of the Corruption of a Party whom the said Lord of *Buckingham* loveth: And his Majesty now referreth it to the Judgment of this House (for he saith, he will not question the Power of this House, nor yet interpose to the Prejudice of the Privilege of the same) whether now, when his Majesty hath began and taken such Care for the establishing of the Quiet and Good of that Kingdom, we will now meddle therein, either to prevent his Majesty in his Purpose to amend the Abuses there, or to share with his Majesty in the Reward of Honour, or now he hath begun to take it out of his Hand:—That the King wisheth to have this Work left wholly to himself, that he may make it his Masterpiece, and the rather, for that by his princely Care there hath been no War or Bloodshed since his Majesty's coming to his Kingdom.

SIR *Jo. Jephson* saith, that he hath been traduced for his first Information of this House of this Business of *Ireland*, and that some have said, that what he spake therein here was tending to Sedition.

SIR *Henry Poole* saith, that he thinketh we may, without Breach of the Privileges of this House, desist to proceed herein.

SIR *George Moore* saith, that in Queen *Elizabeth's* Time, upon her Majesty's Message to this House once concerning a Business which was here against a great Person, the House did desist and gave it over; and another Time, concerning the reducing of the Government of the Church, on the like Message did also desist; and therefore he desireth, that we should do the like in this Business, and give his Majesty Thanks for his gracious Favour and Message.

SIR *Edwin Sandys* saith, that he is truly informed, that *Ireland* is in the Extremity of declining in the Protestant Religion, and that there is scarce one Protestant there for an Hundred Papists:—The Grievances in that Kingdom proceed not from the King, but the principal Officers who are there, who oppress the poor People exceedingly, and the like Oppression there was the Cause of the [last] late Wars there:—That the House desireth not, nor intendeth to share with his Majesty the Thanks due to him, nor to anticipate his Majesty's Purposes for Reformation of those Abuses; but only to share in the Information of the Grievances of that Kingdom: And he shall be glad, if this House will be pleased that we shall send such a Message to his Majesty, only to inform his Majesty of the Truth hereof: otherwise he saith, *Liberavi animam meam*.

SIR *Dudley Digs* would have us send a Message to his Majesty, that we will proceed no farther in this Business, unless he will be pleased to command us to inform him of some Things herein.

SIR *Robert Phillips* saith, that he thinketh it will be no less Breach of Duty to present a public Information to his Majesty of this Business, than a private; to which latter Kind of Information his Majesty saith he will bear an open Ear. He would have us give his Majesty Thanks for that he was pleased to signify to this House the Course he took to remedy the Grievances of that Kingdom; and would have us also desire Leave to proceed to enquire after those Grievances, that we may give his Majesty further Information thereof; or otherwise we humbly submit.

MASTER of the Wards saith, that he was commanded to certify, that his Majesty would have us leave this Business to his Majesty, who would have his Ear open to the Information of any Member of this House:—That his Majesty said, that, if the State of Religion be worse now in *Ireland*, than it was

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was when his Majesty came to the Crown, he hath spent much Care, Time and Charge to no Purpose; for his Majesty saith, he hath not had a greater Care of any thing than to establish true Religion in that Kingdom.

SIR *Ed. Cecil* saith, that we desire herein only to assist the King by our Information, and such he taketh to be the sole and whole Intent and Desire of the House, and not to share in the Honour of the Reformation.

Mr. *Mallet* saith, that there is a great Difference (as it seemeth) between the Information that is given here, and that which is given privately to his Majesty; and they who inform here speak, as it should seem, more freely and with less Respect of Persons than they do to his Majesty; for by his Message the King signified to this House, that he thought the State of *Ireland* had never been in a more flourishing Estate; and the Information, which we have received, is, that the Religion and State of *Ireland* was never in a worse State than now it is, and especially for Matter of Religion: And therefore would have us to beseech his Majesty to give us Leave to proceed to take further Information herein, and then to certify it to his Majesty.

(148) MR. Chancellor of the Exchequer would not have a little Matter be as a Mist between us and the King: moveth, that a Message may go to the King to know, whether it be his Royal Pleasure that we shall proceed or no to inform his Majesty of the Business of *Ireland*; and, after we have received an Answer to this, we may send another Message to his Majesty as we shall think fit.

It is agreed, that a Message shall go to his Majesty, to give him all humble Thanks for his gracious Message to this House, concerning the Business of *Ireland*; and to signify, that it was not the least Intent of this House to have shared or anticipated his Majesty in the Honour of the reforming of the



the Grievances of that Kingdom, but only fully to have informed him of the same: and to desire, that his Majesty will be pleased to signify, whether or no we shall proceed to enquire any further into that Business, for the better Information of his Majesty therein; if otherwise, we humbly submit it to his Majesty's Pleasure.

*Ed. Floid* examined denieth, that he ever had any Speech with any of the Parties who are alleged as Witnesses against him, viz. one *Willet*, *Coale*, or *Dr. Pennington*, concerning the Palsgrave or his Lady; and saith, that there was one *Williams* and a Woman present at the Time, when *Dr. Pennington* saith this Examinant should speak those disgraceful Words.

*Monday, April 30.*

COMMITTEE. Concerning Grievances.

*SIR Ed. Cecil* saith, that he knoweth that a Nobleman of this Kingdom having a Chest of Glasses brought over hither from beyond Sea, for his own Use, the Patentees by Virtue of their Patent seized the same, and kept them away from the said Lord.

*SIR Thomas Puckering* saith, that, he being beyond Sea, and sending home a small Chest of Glafs before him, the Patentees seized them, and he being come over found them in the Patentees' Hands, who still detained them from him.

A PETITION of the Glasiers of *Lancaster*, shewing, that they are much oppressed by the excessive Prices of Broad Glasses, by Means of the Patentees, who have the sole making of Glafs; whereas (before the Patent was granted) they were there wont to have better Glafs made with Pit Coal, and cheaper sold.

A PETITION of the Glasiers of the County of *Gloucester*, shewing, that they were wont to pay at the Quay of *Gloucester* but Sixteen Shillings for a Case of Glafs, and now, (since the Patent) they pay  
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Twenty four Shillings:—That the Glasmakers near *Scarborough* in *Com. Ebor.* do give Sir *Robert Mansell* Five Hundred Pounds *per Annum* for two Glasshouses.

THE Petition of the Glasmakers of *Staffordshire* complains, that they were put out of their Glasshouse by the Patentees, and brought hither to *London* and imprisoned.

One *Woodhouse* examined saith, that there were Glasses made at *Hardshaw* and *Hidemill* near *Manchester* by one *Isaac de How*, a *Frenchman*, and his Company, whereof were *Isaac Bristow* and his Brothers; and these Glasses were there made two Years before the Patent:—That Window-Glass (before the Patent) was sold for Sixteen or Eighteen Shillings a Case, and now (since the Patent) such Glass is sold for Twenty-two Shillings and Sixpence, at the Glasshouse Door.

*Isaac Bangor* examined, saith, that the Glass is not sold at *London* much dearer than it was before the Patent; but in the Country it is sold a great deal dearer than it was before the Patent:—That the Glass is made much better than it was before the Patent.

THE Glasiers of *Herefordshire* complain, that before the Patent they could cut out of a Case of Glass Two Hundred Foot of Glass, and now they cannot cut out of a Case above a Hundred and Sixty Feet.

PETITION of the Glasiers of the Counties of *Wilts* and *Southampton*, complaining, that they pay an excessive Price for Glass, by Reason that all the Glass they have comes out of *Yorkshire*, and they may not now have any, as they were wont to have it, from beyond Sea.

THERE are now but two Glasshouses; the one at \* *Newcastle* in *Yorkshire*, and the other in *Staffordshire*, and one lately near *West Chester*.

\* Sic.

A CER-

A CERTIFICATE from *Newcastle*, that they pay Twenty-six Shillings and Eight Pence for a Case of Glas, whereas before they paid but Sixteen or Eighteen Shillings a Case.

MR. *Holt*, of Council against the Patentees, saith, that the Patent is for Twenty-one Years, granted to Nine Patentees:—That the Suggestion or Pretence of the Patent is for the sparing and preserving of Wood and Timber; and that Sir *Thomas Percival* was the first Inventor of making Glas with Pit-Coal:—That this Patent is for the sole making of Glas within this Kingdom.—That there is a Clause in the Patent, that none can import any Glas, nor buy any Glas imported:—That the Patentees, by Colour of this Patent, restrain the importing and Sale of Dials that have a little Glas in them, Looking-<sup>(149)</sup> glasses, Hourglasses, Spectacles, and the like:—That, under the Colour of Glas, they seize all Amber, Crystal, and the like that is imported:—That one *Jo. Green* hath been imprisoned for bringing in of Glas:—That there is a Clause in the Patent, to search for Glas, and to certify it into the Exchequer:—That there is a Proclamation to strengthen this Patent, and forbidding any Glas to be made of any Timber or Wood, or imported from beyond the Sea, and that none use any drinking or other Glas that shall be made beyond Sea:—That there hath been a second Proclamation to recall the Power which his Majesty did formerly give the Patentees to import Glas.

A Glasier examined, saith, that he knoweth that Sir *Robert Mansell* hath, since this Patent was granted, burnt Twelve Load of Wood in the Glasshouse here in *London* at a Heat, for the making of Drinking Glasses.

THE Patentees of this last Patent are, the Earl of *Montgomery*, Sir *Thomas Howard*, Sir *Thomas Munson*, Mr. *Thelwell*, Sir *Robert Mansell*, and Mr. *Thomas Percival*.

It is confessed, that the Drinking Glasses of *Venice*, and the Broad or Window Glasses of *Normandy* are much better than any that are made here in *England*.

*Isaac Bangor* examined saith, that himself was imprisoned by four Lords of the Council, who are Commissioners for this Business:—That himself could not be permitted to sell the Glass he had in his Hands, but to the Patentees; and so was fain to let them have Fifteen Hundred Pounds worth of Ware for Five Hundred Pounds; for it spoiled by lying on his Hands, for that he could not sell it to any other.

CAPTAIN *Bacon*, a Member of this House, saith, that it is true that there is here in *London* Wood spent for the preparing of the Metal wherewith Glasses are made; but none spent in the making of Glasses: And that Twelve Load of Wood doth and will serve a Quarter of a Year to prepare the Metal.

*Tuesday, May 1.*

“ AN Act for the confirming of a Decree made in  
“ the Chancery, on the Behalf of Sir *Roger James*,  
“ and Sir *Anthony Auger*, Knights, against *Fritb*, a  
“ Scrivener, who, after the said Decree made, mur-  
“ dered himself.”

“ AN Act to give Power to *Edm. Floid*, Esquire,  
“ to convey the Manor of *Temple Newton*, and other  
“ Lands to the Lord *Daubigne*, Earl of *March*, and  
“ to the Lady *Catherine*, his Wife, Daughter to the  
“ Lord *Clifton*.”

THIS Bill is somewhat opposed, because it appears not in the Bill, that those Lands (which were conveyed in Trust for the Good of the Children of the Body of the said Lady *Catherine*) were conveyed with an Intent to be sold.

It is committed, and Order given, that Proof shall



shall be made, that it was the Intent of the Lord Clifton that those Lands should be sold.

SIR *Edward Cooke* saith, that the Erection and Direction of Lights and Beacons on the Sea-coast appertaineth to the Lord Admiral by his Charter :—That he hath acquainted the Lord of *Buckingham* with that Business of the Lights, who hath given his Consent that this House should take what Course it should think best for the said Lights; and did give hearty Thanks to this House for their Respect to him in acquainting him with thus much :—That the King also overhearing him, and demanding what it was, did likewise return Thanks to this House, for that his Majesty said, he did take it that this House shewed that Respect to the Lord Admiral by Reason of his Majesty's Favour to his Lordship.

MR. Secretary bringeth this Message from his Majesty, that the King doth acknowledge the Love and Respect of this House to him, as in other Things, so particularly in that Business of Sir *George Marshall* and Sir *William Pope*; and saith, that the King said, the House hath therein done his Majesty a great Deal of Honour, and wisheth that that Decree may be taken off from the File, and all the Proceedings in that Business :—That his Majesty desireth we will not meddle any further with the Baronets or Places of Honour, whereof himself is the Fountain, for that is a Property chiefly belonging to a King; and therefore he would not have us go about to tie his Hands therein, for it is in his Power to make the meanest Man a Duke :—That his Majesty understanding, that there was here an Order for the drawing of a Bill to put forth all Clergymen out of the Commission of Peace, doth desire that now, when Religion doth so much suffer, we will not take away that Dignity from the Clergy, which they have heretofore enjoyed; for that will give Occasion to the Papists to scandalize us, and to say we esteem not of our Clergy.

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SIR *Dudley Digs* saith, that the Committee for that Business did think fit only to beseech his Majesty (and not to make it a Bill) that none of the Clergy, other than Bishops and Deans, and such dignified Men of the Clergy (and not those who have any parochial Charge) may be of the Commission of the Peace; and that no Gentleman, who is not Twenty Pounds in the Subsidies, shall be in the Commission of the Peace; nor any Lawyer that is (150) under a Reader, or such grave Lawyers, and of them but four in a Shire, and all of them to be of the Quorum: And that no Man may be of that Commission, who is either himself, his Wife or Servants affected to Recusancy.

SIR *Edwin Sandys* moveth, that, because of the many Misinformations that his Majesty hath, touching the Business of this House, he thinketh it were not amiss, that whenas we do understand that his Majesty is misinformed, that then the Speaker should go from the House to acquaint his Majesty with the Truth of such Business..

SIR *Henry Poole* saith, he is sorry the King is so often misinformed: he wisheth, that we should send a Message to his Majesty, to request him not so often to interpose, which maketh us jealous of our Privileges; and that his Majesty will be pleased to value accordingly those busy Men, that misinform him.

SIR *Dudley Digs*. That the Reason why we think it fit to restrain the Number of the Clergy is, because that in the County of *Durham* there are but Twelve of the Laity of that County in Commission; and there are Thirteen of the Clergy and Dependants on the Clergy in Commission of the Peace.

It is ordered, by Question, that a Message shall go to the King, to acquaint his Majesty with the Misinformation that he hath had of the Business of this House, concerning the Clergy's being of the Commission of the Peace; and to acquaint him, that  
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it was a Business not resolved on: And also to acquaint his Majesty with the Course and Business that was by the Committee, touching this Matter of the Commission of the Peace, and how far we had proceeded therein.

It is ordered, that, whensoever the King is misinformed, [that] the Speaker shall go to acquaint the King with the Truth of such Business: But this is to be according as the Circumstances of the Business shall be.

SIR *Nathaniel Rich*. That there was an ancient Ordinance 9 H. 4. that no Member of either House of Parliament should acquaint the King with any Deliberation or Determination of any Business that is in Hand in either of the Houses; and this was then accorded to by the King:—That we now see how much Cause there was to make such an Order, for by these Misinformations of his Majesty much Time hath been here spent.

It is ordered, that a Committee shall collect all the ancient Ordinances of former Parliaments, and consider of the best of them, and present them to the House.

It is adjudged, that the Bill exhibited by Sir *George Marshall* in the Chancery against Sir *William Pope*, all Proceedings in that Business, and the Decree made therein is a Grievance: and it is thought fit, that all Proceedings in that Business be taken off the File; and that, if Sir *George Marshall* have any Exemplification of that Decree, it shall be brought into the House.

SIR *Samuel Sandes* moveth to have us prefer that Business of Sir *George Marshall* to the Lords, that Order might be taken to have the Bill, and all Proceedings thereon taken off the File.

MR. *Noye* saith, that to present this Business of Sir *George Marshall* to the Lords were to take off the Imputation thereof from a Record in the Chancery, and to put on a Record in the House of the

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Lords; and therefore he moveth to have us send to Sir *George Marshall* to get it all taken off the File; and, if he refuse to do it, that then we would send a Message to the Chancery, to acquaint that Court, that it is our Opinion that the same, and all the Orders and Proceedings thereon, should be taken off the File.

THIS Business is accordingly ordered, and the Opinion of this House is to be shewn to the Master of the Rolls:

DR. *Pennington*, a Doctor of Physic, examined saith, that he and Mr. *Ed. Floid* having a Conference in his Chamber, the said *Floid* told this Examinant, that he heard that *Prague* was taken by the Emperor, and that Goodman *Palsgrave* had taken his Heels, and was run away, and that Goody *Palsgrave* was taken Prisoner; and, this Examinant wishing that himself and all other able Men were bound to go thither, and not to return till they had redeemed her, the said *Floid* said, this Examinant was a Fool. He saith, that these Words were spoken in the Hearing of Mrs. *Broughton*, an Attorney's Wife of this Town. He saith, that, when these Words were spoken, Mr. *Floid* and this Examinant were good Friends, and that he went at that Time to *Floid's* Chamber, as one Prisoner to visit another:— That he told the Warden of the *Fleet* of these Words the next Day in his Dining Chamber, in the Presence of Mr. *Pinchback* and Mr. *Willett*; and that Six Days after the Warden came to this Examinant's Bed-side, and desired him to tell him all the Speeches that were spoken by the said *Floid* concerning the *Palsgrave*. He saith, that *Floid* spake these Words with a joyful Countenance.

(151) THE Warden of the *Fleet* examined saith, that he first moved Dr. *Pennington* to know the Truth of these Speeches used by *Floid*, having understood of it from a Servant of his; and that Dr. *Pennington* did never acquaint this Examinant with the said Speeches



Speeches of *Floid*, till he had first moved him of it :—That his Servant *Lettice Harris*, his Niece, was the first that ever told him of it, and that *Dr. Pennington* did tell this Examinant, he had written a Letter of this Business.

*Dr. Pennington* examined saith, that he did borrow a Chronicle of the Warden of the *Fleet*, to see whether *Voltiger* was a *Saxon* or a *British* King; which he desired to know, because of a Conference held between *Floid* and him: and that he, this Examinant, did then write to *Floid* of his Error in that Discourse, and that, at the Time when he borrowed the Chronicle, he acquainted the Warden of the *Fleet* with the Speeches made by the said *Floid*.

*Sir Edward Cooke* saith, that he hath known this *Floid* long; and that he is a pernicious Papist, and a Barrister, but a wicked Fellow.

*Mr. Thomas Crewe* saith, that, if we are careful to punish such as speak scandalous Speeches of foreign Princes, then ought we much more to be severe to those who speak contemptuous Words of our own Princes.

*Dr. Willis* examined saith, that *Dr. Pennington* told this Examinant of those Speeches of *Floid's*, and then told this Examinant also, that he had told the Warden of the *Fleet* of the same Words; and that one *Francis Allured* and one *Jo. Broughton* and his Wife can say much of *Floid's* rejoicing at the ill Fortune of the *Palsgrave* and his Lady; and that one *Handman* will testify, that *Floid* hath been very merry, and drinking of *Healts*, whenever any ill News hath come from *Prague*.

*Mr. Coale*, Bachelor of Divinity, examined saith, that *Floid* told this Examinant, that himself, or any Nobleman of *England* had as much Right to be King of *Wales*, as the *Palsgrave* to be King of *Bobemia*. And this Examinant saith, he told the Warden of the *Fleet* of these Words, and also of the Speeches that were spoken to *Dr. Pennington* by *Floid*: the

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Time when he told the Warden of it was (as he remembereth) about the 13 Jan. last.

MASTER of the Wards reporteth the King's Answer to the Message sent by this House, concerning the Business of *Ireland*. That his Majesty doth return Thanks to this House, and that he will take the Business of *Ireland* into his Hands; and that, because he seeth the Care this House hath of it, he will add a double Care to it, that he may thoroughly finish the Work he hath begun; and wisheth, that, in like Manner, we would perfect the Businesses that are begun in this House:—That he hath so good Respect from this Parliament, that he will be so far from prejudicing the Privileges of it, as he will reinforce and fortify them in what lieth in him.

Tuesday, May 1. In the Afternoon.

THE Speaker being in the Chair.

“AN ACT to avoid a Decree in the Chancery, L. 11  
“made on the Behalf of *Mark Stuart*, against Sir  
“*Thomas Germay*, and Dame *Joan* his Wife.”

SIR *Arthur Ingram* saith, that the Committee appointed to search *Floid's* Trunks and Pockets found in his Pockets Beads to pray on; and they have found divers Popish Books and Beads in his Trunk, and other Popish Books hidden in his Bed:—That *Broughton*, a Prisoner in the *Fleet*, saith, that Dr. *Pennington* did tell him, since *Christmas*, that *Floid* had spoken the said disgraceful Words of the *Palsgrave*:—That Mrs. *Broughton* said, that she heard *Floid* speak of the *Palsgrave*, but doth not remember what he said, because she was then looking out of the Window to see some play at Bowls:—That one *Hardiman*, a poor Man that was wont to help *Floid*, make his Bed and do him such like Service, did hear *Floid* laugh heartily, when one called *Fryer* told him, that *Prague* was taken by the Emperor's Forces; and that

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then *Floid* said to *Fryer*, What will the Lad do now? now *Bess* must come home again to her Father. And that the said *Hardiman* said, he also heard the said *Floid* speak those disgraceful Words of Goodman Palsgrave and Goody Palsgrave, when the said *Fryer* was with him.

*Ed. Floid*, being on his Knee at the Bar examined, and charged with all the Proofs beforementioned, <sup>(152)</sup> saith, that he knoweth not *Hardiman* by his Name; and saith, that no Man ever used to make his Bed in the *Fleet*, but only a poor Woman. He saith also, that there is one Dr. *Fryer* that useth sometimes to come to him, but denieth all the Words where-with he is charged.

MR. *Hackwell* saith, that *Lettice Harris* saith, that she did hear *Floid* speak those Words within this half Year, viz. Goodman Palsgrave and Goody Palsgrave; but saith, that she did never tell the Warden of the *Fleet* of it.

SIR *Robert Phillips* saith, there are in this Business Three Things to be considered; 1. The Offence; 2. The Persons offended; 3. The Punishment to be inflicted on the Offender. For the first, that *Floid* hath spoken derogatory Words of the King's Children, in deriding them by the Name of Goodman and Goody Palsgrave: For the second, that we should remember and consider in our Sentence, that the Persons, whom he derogated and vilified, are the hopeful Children of our Prince; a Lady hardly to be equalled, not to be excelled: The Third Consideration is the Punishment; wherein he would have us not to forget, that the Party to be punished is a constant Knave (for so he hath been known to be by many Members of this House this many Years) and a constant and malicious Papist:—That, since his Offence hath been without Limitation, his Punishment might likewise be without Proportion:—That he would have him ride, with his Face to a Horse's Tail, from *Westminster* to the *Tower*, with a Paper in his Hat,



Hat, wherein should be written, "A Popish Wretch  
" that hath maliciously scandalized his Majesty's  
" Children;" and that at the *Tower* he should be  
lodged in little Ease, with as much Pain as he shall  
be able to endure, without Loss or Danger of his  
Life.

SIR *Thomas Rowe* moveth, that, since he was com-  
mitted to the *Fleet* by the Lords of the Council, he  
would have us send to the Lords, and confer with  
them touching the Punishment of him.

SIR *Dudley Digs* would have us first to acquaint  
the Lords with this Business, and make them Sharers  
in the Honour of punishing so vile and undutiful a  
Subject.

SIR *George Moore* saith, that on extraordinary  
Causes we may enlarge and make Precedents; but  
desireth, that, by extending our Power in this, we  
take Heed that we do not prejudice that of the  
Lords. He would have *Floid* whipt from hence to  
the Place whence he came, and would have him so  
left to the Lords for farther Punishment.

MR. *Ravenscroft* would have him fined a Thousand  
Pounds, and so his corporal Punishment to be spared.

SIR *Francis Seymour* would have us punish him as  
far as the Power of our House will extend; for he  
would have us now, if we would at any Time, stand  
on the Privilege and Power of our House. He  
would have him go from hence to the *Tower* at a  
Cart's Tail, with his Doublet off, his Beads about  
his Neck, and that he should have so many Lashes  
as he hath Beads.

MR. *Salter* would have him ride on a Horse (with  
his Face to the Horse's Tail) to the *Tower*, and be  
whipt, and there put in little Ease.

SIR *Edward Giles* would have him stand in the  
Pillory here at *Westminster*, Two or Three Hours,  
then to be here whipt with as many Lashes as he  
hath Beads, and to be so likewise whipt at the Court  
Gate, and at the *Temple*; and would have him so



recommitted to the *Fleet*, for he would not wish any Man to come into a worse Prison.

SIR *Thomas Posthumus Hobby* moveth, that we should recommit him to the *Fleet*, there to be kept in strait Prison; and that we would peruse the Papers before we proceed to censure him.

SIR *Francis Darey* would have a Hole burnt through his Tongue, since that was the Member that offended.

SIR *Jeremy Horsey* would have his Tongue slit or cut out; but, before we do censure him, he would have us to peruse the Papers, for they may discover more Matter against him.

SIR *Ed. Cecil* saith, that we should make a Difference between the scandalizing of a Prince, and the scandalizing of a Subject. He would not have us yet to peruse the Papers, nor mix the Punishment of his Offence against those Princes with whatsoever Fault may be in those Papers. He would have him burnt in the Forehead with a T or a D, a Hole burnt also in his Tongue, and agreeth with Sir *Robert Phillips* and Sir *Francis Seymour* for the rest of his Punishment.

SIR *George Goring* would have his Nose, Ears, and Tongue cut off, to be whipt at as many Stages as he hath Beads, and to ride to every Stage with his Face to the Horse's Tail, and the Tail in his Hand, and at every Stage to swallow a Bead; and thus to be whipt to the *Tower*, and there to be hanged.

SIR *Jo. Jephson* saith, he would have moved, that (133) a Committee might be appointed to consider of the heaviest Punishments that have been spoken of; but, because he perceiveth the House is inclined to Mercy, he would have him whipt more than twice as far as those who offended against the Ambassador, and that can be no less than to the *Tower*; and would have him have a Paper written in his Hat, declaring his Offence.

MR.

Mr. *Jo. Finch* saith, that, since we have no Testimony on Oath against him, he would not have us lay any corporal Punishment on him, but all the ignominious Punishment that may be.

SIR *John Strangewades* saith, that there was never a Precedent made, but there was a Reason for it, and he hopeth no Man doubteth, that is a sufficient Reason for us to create a Precedent; and therefore would have him whipt and burnt through the Tongue, and the other Punishments as before.

SIR *Jo. Walters* saith, that Cruelty belongeth to our Adversaries, and therefore he would not have us punish him with burning in the Tongue; but would have all his Lands and Goods given to the Palgrave, for to help to raise a Force to recover the Palatinate; and that *Floid* should be whipt for his laughing at the Loss of *Prague*, thereby to make him shed Tears:—That he should endure all the Ignominy of Pillory or otherwise for his scandalizing of so noble Princes.

MR. *Alford* would not have him whipt, because he hath Land to pay a Fine:—That he will go as far for the Punishment of him as any Precedents will warrant, but no further. He agreeth with Sir *Jo. Walters* in all Points of his Censure, saving whipping.

SIR *Edwin Sandys* saith, that the Sentence which shall be given here will be censured in all *Christendom*: the Cause of *Floid's* Offence is the Ground of all the Differences in *Christendom*, which is Difference of Religion. He would not have us interrupt the Business of the Lords, who are now full of Business, by sending of *Floid* thither; nor in the Consideration of his Punishment to touch his Religion, for that were to make him a Martyr. He agreeth with Sir *Jo. Walters* in all Points of his Sentence, saving his whipping; for that is a Punishment improper for a Gentleman, from which unless he were degraded, he would not have him whipt.

SIR *Francis Goodwin* would have his whipping counted for a Fine.

THE Master of the Wards would not have us meddle with his Religion in the Punishment of him.

SIR *Ed. Mountague* saith, he thinketh we may not remove the King's Prisoner to another Prison; and this *Floid* being by the Lords of the Council committed to the *Fleet*, we may not remove him to the *Tower*.

It is ordered and adjudged, that *Ed. Floid* shall be returned this Night to the *Fleet*, there to lie in *Bolton's Ward*, and tomorrow Morning to ride to *Westminster* bare ridged on a Horse's Back, with his Face to the Horse's Tail, and the Tail in his Hand, and to stand at *Westminster* on the Pillory, from Nine to Eleven of the Clock; then to ride in the same Manner to the *Old Exchange*, and there to stand Two Hours more in the Pillory; and on *Friday* to ride in the same Manner to *Cheapside*, and there to stand in the Pillory from Ten of the Clock in the Morning till Twelve, and then to ride back thence in the same Manner to the *Fleet*; to have a Paper in his Hat at every one of these Places, and another Paper on the Pillory, the Inscription whereof shall be these Words, *For false, malicious, and despiteful Speeches against the King's Daughter and her Husband*; to be fined a Thousand Pounds to the King:—That his Sentence shall be seen to be executed by the Sheriffs of *London* and *Middlesex*, and that the former Committee shall draw a Warrant to this Purpose, which shall be subscribed by the Speaker.

SIR *Francis Kenniston* moveth, that, in Respect that *Floid's* Son hath married a Gentleman's Daughter of Worth, [that] his Grandchildren may not feel the Weight of the Fine.

LORD *Clifford* would have the Warden of the *Fleet* to lead the Horse, as *Floid* rideth.

SIR *Thomas Wentworth* desireth, that a Committee may be appointed to collect the Reasons of this our Censure (because there will be many malevolent Eyes on the same) that it may remain clear to Posterity.

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It is ordered, and a Committee appointed to collect all the Proofs, Testimonies, Causes, and Reasons of this Censure, and to present it to the House.

WHEN this Sentence was thus agreed on, the said *Floid* was called into the House, and on his Knee at the Bar heard Judgment pronounced by the Speaker.

THE Warden of the *Fleet* is commanded by the House to put *Floid* in *Bolton's* Ward, and to deliver and attend him to the Sheriffs of *London* and *Middlesex*, till the Sentence be accordingly executed on him.

*End of the FIRST VOLUME.*



The seal of the City of London, featuring a shield with a cross and four lions, surrounded by a circular border with the text 'CIVITAS LONDINENSIS' and '1606'.



End of the First Volume.

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